

# Planning Committee

**Date: Wednesday, 22nd September, 2021**

**Time: 11.00 am**

**Venue: Banqueting Room - Guildhall, Bath**

## Agenda

To: All Members of the Planning Committee

**Councillors:-** Sue Craig (Chair), Sally Davis (Vice Chair), Shelley Bromley, Vic Clarke, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Hal MacFie

**Permanent Substitutes:-** Councillors: Rob Appleyard, Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard, Matt McCabe, Manda Rigby, 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 Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast). 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. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

### 6. **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, 22nd September, 2021**

**at 11.00 am in the Banqueting Room - Guildhall, Bath**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will ask the Democratic Services Officer to draw attention to the emergency evacuation procedure.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. 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.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

5. 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 Committee Administrator 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.

6. MINUTES OF THE PREVIOUS MEETING (Pages 5- 44)

To confirm the minutes of the meeting held on 25 August 2021.

7. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 45 - 86)

8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 87 - 190)

The following applications will be considered in the morning session (from 11am):

- 20/03166/FUL – Regency Laundry Service, Lower Bristol Road, Bath
- 20/04760/EFUL – Former Bath Press Premises, Lower Bristol Road, Bath

The following applications will be considered in the afternoon session (from 2pm):

- 20/01588/FUL – Field between City Farm and Cotswold View, the Hollow, Southdown, Bath
- 21/03281/FUL – Land south of Unit 18, Midsomer Enterprise Park, Midsomer Norton
- 21/02980/LBA and 21/02981/AR – Friends Meeting House, York Street, Bath
- 21/02883/FUL – Hunters Quest, Iford Close, Saltford

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 191 - 194)

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, 25th August, 2021, 11.00 am

**Councillors:** Sally Davis (Vice-Chair, in the Chair), Rob Appleyard (Reserve) (in place of Sue Craig), Shelley Bromley, Vic Clarke, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Hal MacFie

**40 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

**41 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Cllr Sue Craig. Cllr Rob Appleyard attended as substitute.

**42 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**43 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

**44 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.

**45 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 28 July 2021 were confirmed and signed as a correct record.

**46 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 2, 5, 6 and 8 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. 20/03071/EFUL**

**Site Location: Dick Lovett (Bath) Ltd, Wellsway Garage, Lower Bristol Road, Westmoreland, Bath – Demolition of existing buildings and mixed-use redevelopment of the site comprising the erection of residential units (Class C3); erection of purpose-built managed student accommodation (Sui Generis); flexible commercial floorspace (Class E); associated parking; landscaping; improvements to the public realm; and new vehicular access from Lower Bristol Road.**

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

A representative from the Bath Preservation Trust spoke against the application.

The agent and applicant spoke in favour of the application.

Cllr June Player spoke against the application. She expressed concern about the lack of parking, the bulky and dominant nature of the proposed building and overdevelopment of the site. She was also concerned that the development could lead to the loss of Bath's World Heritage status. She highlighted the cumulative impact of the development which would lead to further noise and pollution in the area along with the tunnelling effect of so many tall buildings.

The Case Officer then responded to questions as follows:

- Parking facilities would be available to residents of the buildings if they paid an additional charge.
- There would be a single access point to the site and two loading bays for deliveries.
- Residents in this development could be excluded from any future residents' parking scheme in the area.
- The package of measures proposed to mitigate the low levels of parking provision are considered to be insufficient.
- The site is located within the Western Riverside allocation which means that a 6-storey building would be acceptable.
- Blocks 3 and 4 have outline planning consent. The committee refused a previous application for the site which is currently subject to appeal. If this application is approved, then it is likely that the appeal will be withdrawn. However, members should consider this application on its own merits.
- Officers feel that the number of units quoted within the report are feasible. There will be an acceptable housing mix across the whole area.
- Some existing trees will be retained, and some additional street trees will be provided.
- An air quality study has been undertaken and officers feel that the concerns

- regarding a tunnelling effect have now been addressed.
- The development should be completed within five years.

Cllr Jackson stated that, although ideally people would walk or cycle, in reality, some of them will have cars. She moved the officer recommendation to refuse. This was seconded by Cllr Hughes.

Cllr Crossley spoke against the motion stating that this scheme addresses the concerns raised previously by the committee. He noted that affordable housing would be provided. He felt that the development would enable more young people to be able to afford to live in Bath and recognised the new pattern of working post-pandemic.

Cllr Appleyard felt that with the Council's commitment to environmental issues, the committee should be bold and work towards changing behaviours to encourage walking and cycling rather than car use.

Cllr Hughes stated that developers should submit a viable plan that adheres to planning policies.

Cllr Hodge felt that the development appeared too high and too bulky. She felt that it would have a negative impact on the city and World Heritage Site. She stated that residents in this area should be able to live in a pleasant environment.

Cllr Bromley expressed concerns regarding massing and lack of car parking facilities. She also felt that there should be a greater housing mix with some properties available to buy rather than rent.

Cllr Clarke highlighted the need for housing in the area.

Cllr Hounsell stated that the committee must apply the policies currently in place. The scheme overall is good but is not policy compliant.

Cllr MacFie stated that he would prefer to have more affordable housing than parking spaces.

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

Cllr Crossley then moved that the committee delegate to permit the application for the following reasons:

- It will enhance the World Heritage Site.
- It provides a good mix of accommodation.
- It has good design.
- The shift to electric charging points and bicycles meets the Council's long-term climate change agenda.

He felt that this was a very exciting scheme which offers high-density accommodation to enable people to live in Bath who may not otherwise be able to

afford to do so.

This was seconded by Cllr Appleyard.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to DELEGATE TO PERMIT the application subject to the completion of a Section 106 Agreement and conditions.

## **Item No. 2**

### **Application No. 20/03166/FUL**

**Site Location: Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath – Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.**

The Case Officer reported on the application and his recommendation to refuse. He informed the committee that a letter had been received from the applicant regarding the viability appraisal and potential for industrial use for the site and that this information has now been loaded to the website. There would also be a financial contribution of around £40k towards off site affordable housing.

A local resident and a representative from the Bath Preservation Trust spoke against the application.

The applicant spoke in favour of the application.

Cllr June Player, local ward member, spoke against the application. She stated that the bulky nature of the buildings would cause harm to the area in general and to the residential amenity of the occupants of the co-living accommodation. She also raised concerns regarding loss of light, overlooking, parking pressures, the additional height, and flat roofs. The proposal would not enrich the character of the area, was of poor design and has no views.

A written statement in favour of the application from Cllr Colin Blackburn, local ward member, was read out. Cllr Blackburn felt that the proposal would make a positive contribution to the city as it would enable graduates and other professionals to afford to remain in the area, which would also benefit local employers. He felt that the site is unsuited to commercial activity as it is surrounded by residential properties. The scheme is of high quality and has excellent green credentials which would have a positive impact on the climate emergency.

The Case Officer then responded to questions as follows:

- If required, an additional condition could be included regarding the provision of land to grow vegetables. A condition regarding the provision of a seagull management plan could also be included if necessary.
- 20% of the properties would be affordable housing units.
- The applicant has agreed to restrict the occupancy of the 20% of affordable housing units to ensure that these are not occupied by students. The applicant has also offered to put some measures in place for the remaining



units, such as length of tenancies and not directly marketing to students, to ensure that this is a co-living scheme rather than a student scheme.

- About 80 people are currently employed by the laundry. The co-working scheme would provide 30-40 workspaces. 50% of these would be open access and 50% would be available to occupiers of the building.
- A co-living space is a more institutional use than an HMO property. It would be run and managed as a shared living and working arrangement on a larger scale than an HMO.
- The current laundry facility is a light industrial use. This must be compatible with its residential context. There have been limited complaints against the current use.
- The units would comprise of studio accommodation with limited cooking facilities. There would be access to a larger kitchen area, gym and co-worker facilities. The building would be designed to provide flexibility.
- The applicant has provided some evidence regarding the lack of demand for industrial use. However, the site has not been marketed for this use over the last 12 months and officers believe that this is an untested assertion.

Cllr MacFie moved that consideration of the application be deferred pending a site visit to ascertain the impact of the proposal on local residents. This was seconded by Cllr Hodge.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to DEFER consideration of the application pending a SITE VISIT.

### **Item No. 3**

#### **Application No. 20/02399/FUL**

**Site Location: 110 West Avenue, Oldfield Park, Bath, BA2 3QB – Development of two self-contained flats on land adjacent to existing building.**

The Case Officer reported on the application and her recommendation to permit. She informed the committee of one amendment to the report as the site is not in a Conservation Area.

A local resident spoke against the application.

Cllr June Player, local ward member, spoke against the application. She expressed concern about the effect of the development on neighbours, including loss of light, and stated that it would adversely affect residential amenity. There would also be a loss of on street parking which is already scarce. The site is small, and the development would look out of place. She also raised concerns about highway safety.

The Officers then responded to questions as follows:

- The Highways Officer explained that vehicles would be able to join the road in a forward gear. He confirmed that no personal injury collisions had been reported on this road in the last five years.
- The area is within a 20mph zone.

Councillor Jackson moved that the application be refused for the following reasons:

- Highway safety due to the unsafe access and egress.
- Loss of amenity to the adjoining residents due to loss of light.
- The proposal would be out of character with the area and would have an overbearing impact.
- Loss of green space.

Councillor Hodge seconded the motion.

Cllr Bromley stated that the whole area is already very congested, and that this proposal represents overdevelopment of the site. The area already has a large number of HMO properties.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 against to REFUSE the application for the reasons set out above.

#### **Item No. 4**

##### **Application No. 21/01200/OUT**

**Site Location: 2 Ellsbridge Close, Keynsham, BS31 1TB – Outline application (with all matters reserved) for the erection of one detached house with a private driveway and two parking spaces on land to rear of 2 Ellsbridge Close.**

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

The applicant and agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- Consideration has been given to the amenity of the area and this site is within the urban area of Keynsham and would not impact on the green belt.
- The access and egress arrangements would be reserved matters and not part of this outline application.
- There is room for three parking spaces on the plot.

Cllr MacFie noted that Keynsham Town Council have raised no objections to the application.

Councillor Hounsell supported the officer recommendation stating that this is backland development and not in keeping with the area. He felt that it was contrary to policy and was concerned at the loss of green space. He then moved the officer recommendation to refuse. This was seconded by Councillor Bromley.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

#### **Item No. 5**

##### **Application No. 20/04949/FUL**

**Site Location: 97-101 Walcot Street, Bath, BA1 5BW – Conversion of existing warehouse to Use Class E, including installation of mezzanine floor and alterations to roof. Erection of attached building to create Use Class E on ground floor and Residential Use Class C3 on 1<sup>st</sup> and 2<sup>nd</sup> floors.**

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

A representative from The Bell Inn spoke against the application.

The agent spoke in favour of the application.

Cllr Tom Davies spoke against the application. He stated that this is a very contentious application with over 400 objections being received. He expressed concern regarding the design of the buildings and the resulting risk of harm to the local area due to their overbearing nature which is against policy HE1. He felt that residential accommodation is not appropriate so close to The Bell Inn as this could result in conflict.

Officers then responded to questions as follows:

- The revised plans were submitted after the comments received from Bath Preservation Trust.
- The Bell has been identified as a source of concern regarding noise and a pre-occupational noise assessment will be carried out when an event is taking place.
- The acoustic report submitted with the application was carried out using comparable data as no events were taking place due to the Covid pandemic. Mitigations can be put in place to alleviate any noise nuisance within the residential properties.
- The Environmental Health representative confirmed that there is currently one ongoing noise complaint regarding The Bell Inn.
- The office building would provide an acoustic buffer between The Bell and the residential properties.

Cllr Appleyard noted that there are existing residential properties in this vicinity and that noise levels are already a challenge. He felt that the proposal is a good fit for the space and would be an improvement on the existing building. Anyone moving into the accommodation would be aware that it is near to a pub. He then moved the officer recommendation to permit. This was seconded by Cllr Bromley.

Cllr Crossley stressed the importance of live music and noted that this is under threat across the country. He felt that the area can be developed but that residential accommodation should not be approved as this could lead to further complaints. This would present a risk to The Bell which is an important cultural asset.

Cllr Hughes stated that Walcot Street is a unique location, and that the proposal will not enhance or preserve the area.

Cllr Hodge noted that the design has been improved.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour, 2 votes against and 1 abstention to PERMIT the application subject to the conditions set out in the report and an additional condition requiring that the conversion of the office accommodation be completed prior to the occupation of the residential units.

**Item No. 6****Application No. 21/02476/VAR**

**Site Location: The Nest, 7 Bladud Buildings, Bath - Variation of condition 5 of application 18/04797/FUL (Conversion of existing nightclub to a public house to include ventilation and extract equipment, detached bar kiosk, covered seating area and terrace seating area to rear).**

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

The agent spoke in favour of the application.

Cllr Tom Davies, local ward member, spoke against the application. He stated that residents are concerned at the proposed removal of condition 5 as it would remove key safeguarding elements. He queried why it is no longer considered to be appropriate and felt that the outside space presents a risk to residential amenity.

The Case Officer then responded to questions as follows:

- The Nest was a nightclub at the time of the application but is now a public house.
- This is a standard condition which is often used to enable the Council to review any complaints over the temporary 12-month period. In this case there have been no complaints through the planning process and no objections to the licence. The temporary condition is usually removed after 12 months.
- Protection to residents remains in place through the existing conditions and the licensing conditions (e.g., hours of operation).

Cllr Appleyard stated that it would be disproportionate to insist that the condition remains in place. He moved the officer recommendation to approve. This was seconded by Cllr Crossley.

Cllr Hodge stated that the condition was put in place for good reason and should not be removed.

Cllr Bromley felt that all the necessary safeguards are already in place to protect local residents.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 votes against to APPROVE the application subject to the conditions set out in the report.

**Item No. 7****Application No. 21/02584/FUL**

**Site Location: St Andrews, Old Lane, Farmborough – Erection of ground floor extension, addition of new first floor and associated garage, including storage for refuse, recycling and bicycles.**

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

A representative from Farmborough Parish Council spoke against the application.

The agent spoke in favour of the application.

Cllr Sally Davis, local ward member on the committee, spoke regarding the application pointing out that the Parish Council feels that the proposal would detrimentally affect the street scene.

Cllr Appleyard moved that consideration of the application be deferred pending a site visit. This was not seconded.

The Case Officer explained that the current building is 4.8m high and the proposed building would be 5.5m high at its highest point.

Cllr Hounsell stated that there are a large number of different types of building in the village of Farmborough and so there is no single style of street scene.

Cllr Davis explained that the view from Old Lane looking downwards does not take in the new development at Brook View. The Parish Council has expressed concern that the proposal will alter this view and is not in keeping with the character of Old Lane.

Cllr MacFie noted that the site is within 100m of the new development and felt that the proposal would be an improvement to the existing building.

Cllr Hodge stated that this is a very contemporary development and felt that the character of Old Lane should be protected.

Cllr Davis then moved that the application be refused for the following reasons:

- The proposal is not in keeping with the character of Old Lane.
- The adverse impact on the character of the street scene.
- The design will have a negative impact on the local area.
- The proposal does not reflect the materials and design of existing properties in Old Lane.
- The design would be too dominant on the street scene.

Cllr Jackson seconded the motion. She felt that the design should fit the local context and that the proposed building would be too dominant.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to REFUSE the application for the reasons set out above.

#### **Item No. 8**

##### **Application No. 21/02181/FUL**

**Site Location: Archway Cottage, Bath Road, Tunley – Erection of two storey side extension and demolition of existing converted garage (Resubmission).**

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

The applicant spoke in favour of the application.

Cllr Matt McCabe, local ward member, spoke in favour of the application. He

pointed out that both Parish Councils supported the proposal. It is important to ensure a balanced population in the local area to enable young families to remain in villages. The design echoes the original design of the cottage and an unattractive building will be demolished. The 52% volume increase includes the parking space, so 20% of this involves no change of use. The proposal will sensitively develop the miner's cottage and retain the heritage of the building.

The Case Officer then responded to questions as follows:

- The extension will come up to the boundary wall and there will be a window on the side of the extension.
- If the committee were minded to permit, a condition could be included to ensure that the garage would be removed first.

Cllr Jackson moved that the committee delegate to permit the application for the following reasons:

- The extension will enhance the symmetry of the building and will be more in-keeping with the terrace.
- It will restore the historic character of the building.
- It does not obscure the openness of the green belt.
- It will provide family accommodation in a rural area.
- The demolition of the existing garage is a planning gain.

This was seconded by Cllr Hounsell.

Cllr Crossley felt that the 30% limit for an increase in volume is sufficient for large houses but not for smaller properties such as this. A larger volume increase is often required to enable smaller cottages to meet modern living standards.

Cllr Hounsell felt that the retention of the archway is very important, and this would maintain the identity and character of the cottage.

Cllr Jackson stated that the alternative would be lose the archway completely whereas this proposal retains the character of the existing building.

Cllr Clarke stated that he could not support the motion because it is not policy compliant.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to DELEGATE TO PERMIT the application subject to conditions including the retention of the archway and a requirement to demolish the rear garage prior to the construction of the side extension.

#### 47 **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 5.45 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **Planning Committee**

**Date 25<sup>th</sup> August 2021**

### **OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA**

#### **ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
2	20/03166/FUL	Regency Laundry Lower Bristol Road Westmoreland

#### **Drainage**

An updated response from the flood risk and drainage team has been provided. They have reviewed the additional information supplied by Jubb dated 9 October 2020 which they consider has addressed their previous outstanding concerns. They have no objection to the proposals.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
5	20/04949/FUL	97-101 Walcot Street, City Centre, Bath, Bath And North East Somerset, BA1 5BW

The report correctly references s66 P (LBCA) A 1990 in the legislation section but in the analysis it incorrectly refers to s16 and sets out the statutory test for listed building applications. This requires updating to reference s66.

The report currently states:

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the

setting of the surrounding listed buildings and would preserve their significance. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

The report should 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 setting of the surrounding listed buildings and would preserve their significance. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
6	21/02476/VAR	The Nest, 7 Bladud Buildings, Bath, BA1 5LS

The Agent has submitted letter to be passed on to Members and included in the update report to committee for consideration in advance of committee's deliberation of the application.

The content of the Agents letter is as follows (*italics*).

*As we have set out in our original application submission, the importance of a useable outdoor space cannot be underestimated at this site in the wake of the Covid-19 pandemic.*

*Indeed, it is absolutely essential that City Pubs have the comfort and guarantee that the garden area can continue to be used by patrons of the public house before investing the necessary financial sum to repair and restore the building.*

*The application premises is small and would not be viable as a public house without being able to use the garden area at the rear of the building.*

*The current 12-month limit on the use of the garden is impractical and makes any attempt to open the premises as a public house along the lines of the extant consent unviable.*

*There are numerous safeguards already in place to protect neighbouring amenity, including the use of the garden time-limited to certain hours, a condition prohibiting any amplified music or other entertainment in the garden, and separately the premises licence. This gives the Council ample control over noise and general amenity matters, and comfort that there are already a number of mechanisms and safeguards in place to ensure nearby amenity is not adversely impacted.*

*The Council's Environmental Health team agrees and is not raising an objection to this application.*

*The application is before committee with an officer recommendation for approval.*

*Beyond these safeguards already in place, the management of the premises will want to work with neighbours and the local community to ensure a positive relationship – ensuring lines of communication remain open at all times, and that any complaints are dealt with swiftly. City Pubs do not want to be a bad*

neighbour, they would not expect it to be necessary to rely on the licence or planning conditions to ensure neighbour amenity isn't affected.

It is simply not in City Pubs' interests to be a bad neighbour. Indeed, they already operate two successful establishments in the City: The Bath Brewhouse, and The Cork. The new premises at The Nest will be a far cry from the former nightclub.

The applicant would be willing to work with Members to agree a management plan to secure certain provisions to protect neighbour amenity, to include clauses such as:

- Contact information of the manager provided to neighbours so that if anything does arise it can be handled via a 'hotline' and dealt with directly, quickly, and efficiently
- Indoor music to be turned down at least 30 minutes before closing time
- All windows & doors to the garden to be closed by midnight Monday to Thursday, 00:30 on Fridays and Saturdays, and 23:00 on Sundays
- Noise checks to be made regularly at the front and rear of the property
- Secondary glazing to be installed at the rear of the venue to the garden (will require a separate application for listed building consent)
- Noise limiter installed and agreed with local authority
- Signs to be positioned at exits asking customers to leave quietly
- Dispersal policy in agreement with the police and licensing
- No outside live or recorded music

These measures go beyond the scope of the extant consent and the conditions attached to it, and provide additional reassurances and measures to ensure any matters which arise can be handled locally and quickly. These measures would be in addition to the licencing and planning measures already in place.

City Pubs' have Covid-19 policies to ensure the safety of its staff and customers. Clearly, useable outdoor space is critical to the business from a safeguarding standpoint as well as a financial viability standpoint. The use of the garden beyond 12 months is critical to the business.

This is a significant financial investment being made by City Pubs to bring back into use the lower floors of this listed building, to provide a vibrant new use for the community and the City. As a local business it will make a contribution towards local employment and business rates to the Council, as well as bring forward the public benefits of bringing the listed building back into use for visiting members of the public. I trust that members appreciate the importance of this application to City Pubs, consider the range of safeguards and management measures in place, and will have regard to the environmental health officer's comments and the officer recommendation for approval when considering this application.

The Agent and Jim Charlton of City Pubs will be present at committee on Wednesday to answer any questions Members may have.

In addition, and for completeness, it is considered that the proposed variation to the planning condition would have no adverse effect on any listed buildings or their setting, or upon the character of the surrounding conservation area.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>8</b>	<b>21/02181/FUL</b>	<b>Archway Cottage Bath Road Tunley Bath Bath And North East Somerset BA2 0DP</b>

Fallback position:

The applicant has submitted additional plans for an alternative scheme. This comprises a side extension which could be erected at the property under Permitted Development Rights if approval is not given for the scheme proposed under this application. However, the officer does not consider this a compelling fallback position as it would not result in a worse or similar impact on the green belt as the scheme proposed under application 21/02181/FUL. The main proposal results in a volume increase of 52.23% over and above the volume of the original dwelling, whilst the PD scheme would result in a volume increase of approximately 23%. Additionally, as the PD scheme is single storey, it is unlikely to have such a significant impact on the openness of the green belt. Therefore, the fallback scheme is not considered to represent very special circumstances that would warrant the approval of the extension proposed under application 21/02181/FUL.

Additional neighbour representation received 19.08.2021:

“We own and live in both Chapel Cottage and 2 Chapel Cottages, the other two cottages in the terrace of 3 with Archway Cottage.

We fully support this application, and note that both parish councils and the local councillor also support the application and view the proposed development as being in accordance with the relevant planning policies.

Chapel Cottage was granted planning permission in 2003 (03/01910/FUL) for a substantial two-story extension that effectively doubled the apparent width of the house, replacing a ‘lean to’ single story extension. The overall increase in volume from that extension was 39%.

Densley View, our next nearest neighbour to the East had a planning application approved by planning committee in 2014 that was a 56% increase in habitable volume.

The proposed extension of Archway Cottage is therefore entirely in keeping with the precedent set for existing extensions to the original terrace of cottages to ensure their continued use and survival and of other properties in the locality.”

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 25 AUGUST 2021**

**Morning Session**

<b>MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>NAME</b>	<b>FOR/AGAINST</b>
1	Dick Lovett (Bath) Ltd, Wellsway Garage, Westmoreland, Bath	Joanna Robinson (Bath Preservation Trust)	Against
		Daniel Weaver (Agent)  Niall Malone (On behalf of applicant)	For
		Cllr June Player (Local Ward Member)	Against
2	Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath	Alistair Welch	Against (To share 3 minutes)
		Joanna Robinson (Bath Preservation Trust)	
		Kenny Oke (Applicant)	For
		Cllr June Player (Local Ward Member)	Against
		Cllr Colin Blackburn (Local Ward Member) – written statement	For
3	110 West Avenue, Oldfield Park, Bath	Ashley Coxell	Against
		Cllr June Player (Local Ward Member)	Against

### Afternoon Session

4	2 Ellsbridge Close, Keynsham	Jayne Smith (Applicant) Marcus Fox (Agent)	For (To share 3 minutes)
5	97-101 Walcot Street, Bath, BA1 5BW	John Revell (on behalf of The Bell Inn)	Against
		John White (Agent)	For
		Cllr Tom Davies (Local Ward Member)	Against
6	The Nest, 7 Bladud Buildings, Bath	Tom Edmunds (Agent) Jim Charlton (Applicant)	For (To share 3 minutes)
		Cllr Tom Davies (Local Ward Member)	Against
7	St Andrews, Old Lane, Farmborough	Cllr Sam Ross (Farmborough Parish Council)	Against
		David Hadfield (Agent)	For
		Cllr Sally Davis (Local Ward Member)	N/A
8	Archway Cottage, Bath Road, Tunley	Mark Donaldson (Applicant)	For
		Cllr Matt McCabe (Local Ward Member)	For



**BATH AND NORTH EAST SOMERSET COUNCIL**  
**PLANNING COMMITTEE**  
**25th August 2021**  
**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	20/03071/EFUL	
<b>Site Location:</b>	Dick Lovett (bath) Ltd, Wellsway Garage, Lower Bristol Road, Westmoreland	
<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application with an EIA attached	
<b>Proposal:</b>	Demolition of existing buildings and mixed-use redevelopment of the site comprising the erection of residential units (Class C3); erection of purpose built managed student accommodation (Sui Generis); flexible commercial floorspace (Class E); associated parking; landscaping; improvements to the public realm; and new vehicular access from Lower Bristol Road.	
<b>Constraints:</b>	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, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Policy ST2 Sustainable Transport Routes,	
<b>Applicant:</b>	Watkin Jones Group	
<b>Expiry Date:</b>	27th October 2021	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	

**DECISION** Delegate to permit subject to S106 and conditions

<b>Item No:</b>	02
<b>Application No:</b>	20/03166/FUL
<b>Site Location:</b>	Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath
<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.
<b>Constraints:</b>	Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Lower Bristol Road Bath Limited
<b>Expiry Date:</b>	26th August 2021
<b>Case Officer:</b>	Chris Griggs-Trevarthen

**DECISION**                      Defer for site visit

<b>Item No:</b>	03
<b>Application No:</b>	20/02399/FUL
<b>Site Location:</b>	110 West Avenue, Oldfield Park, Bath, Bath And North East Somerset
<b>Ward:</b>	Westmoreland
<b>Parish:</b>	N/A
<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Development of 2 no. self contained flats on land adjacent to existing building.
<b>Constraints:</b>	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr Richard Cross
<b>Expiry Date:</b>	27th August 2021
<b>Case Officer:</b>	Emma Watts

**DECISION** REFUSE

1 The proposed development would, by reason of its unsuitable access, be detrimental to highway safety contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan and the National Planning Policy Framework.

2 The overbearing impact of the scale of development to the detriment of access to natural light would cause an unacceptable impact on the amenities of neighbouring occupiers contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan and the National Planning Policy Framework.

3 The proposed development would result in loss of green open space and would be out of keeping with the local pattern of development and the character of the area contrary to Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and the National Planning Policy Framework.

**PLANS LIST:**

22 Sep 2020 1805-07B PROPOSED SITE PLAN  
22 Sep 2020 1805-08B PROPOSED ELEVATIONS  
10 Jul 2020 1805-05 EXISTING SITE PLAN  
10 Jul 2020 1805-06 EXISTING ELEVATIONS

<b>Item No:</b>	04
<b>Application No:</b>	21/01200/OUT
<b>Site Location:</b>	2 Ellsbridge Close, Keynsham, Bristol, Bath And North East Somerset
<b>Ward:</b> Keynsham East	<b>Parish:</b> Keynsham Town Council <b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application
<b>Proposal:</b>	Outline application (with all matters reserved) for the erection of 1no. detached house with a private driveway and 2 parking spaces on land to rear of 2 Ellsbridge Close.
<b>Constraints:</b>	Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
<b>Applicant:</b>	M Smith
<b>Expiry Date:</b>	27th August 2021
<b>Case Officer:</b>	Emma Watts

**DECISION** REFUSE

1 The proposed backland development would be contrary to the character of the area and fails to respond appropriately to the site context contrary to the Bath and North East Somerset Development Plan, in particular Placemaking Plan Policies D1, D2, D4, D5 and D7 and the aims of the National Planning Policy Framework.

**PLANS LIST:**

001 OS Site Location Plan, 100 Existing Site Plan & Strip Elevation, 200 Revision A Proposed Site Plan & Strip Elevation, 'Technical Note 1: Highways and Transport'

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

<b>Item No:</b>	05		
<b>Application No:</b>	20/04949/FUL		
<b>Site Location:</b>	97-101 Walcot Street, City Centre, Bath, Bath And North East Somerset		
<b>Ward:</b>	Walcot	<b>Parish:</b>	N/A
		<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Conversion of existing warehouse to Use Class E, including installation of mezzanine floor and alterations to roof. Erection of attached building to create Use Class E on ground floor and Residential Use Class C3 on 1st and 2nd floors.		
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mr Paul Haskins		
<b>Expiry Date:</b>	1st September 2021		
<b>Case Officer:</b>	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 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 Archaeology Watching Brief (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 watching brief during

ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered 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 Sound Attenuation (Pre-occupation)**

On completion of the development 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 dwellings hereby approved have been constructed to provide sound attenuation against external noise. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To safeguard the amenities of future occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **5 Sequence of Development (Pre-Occupation)**

The conversion of the existing building to Use Class E shall be completed prior to the occupation of the residential units hereby permitted.

Reason: In order to ensure an acceptable relationship between the residential units and neighbouring occupiers in the interests of residential amenity in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **6 Hours of Use (Compliance)**

The class E use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 7.30am-10pm Monday to Sunday.

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

#### **7 Café/ restaurant Use (Bespoke Trigger)**

No part of the building shall be brought into use as a café/ restaurant (Class E(b)) until a detailed scheme for the ventilation and extraction of fumes/cooking smells has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti -vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be implemented as approved prior to the commencement of the use and thereafter maintained as such.

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

### **8 Restricted Use (Compliance)**

The first and second floors of the premises hereby approved shall be used only as offices (Class E(g)(i)) and for no other purpose (including any purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

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

### **9 Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until bicycle storage for at least 11 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

### **10 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.

### **11 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.

## **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:

- 23 Dec 2020 001 P2 Site Location Plan
- 23 Dec 2020 012 P2 Proposed North Side Elevation and Section
- 23 Dec 2020 014 P2 Proposed Mezzanine Section
- 21 May 2021 007 P3 Proposed Ground Floor Plan
- 21 May 2021 007 P3 Proposed Second Floor Plan
- 21 May 2021 008 P3 Proposed First Floor Plan
- 21 May 2021 013 P3 Proposed Site Section
- 21 May 2021 015 P3 Visualisations
- 11 Jun 2021 010 P4 Proposed Roof Plan
- 11 Jun 2021 011 P5 East Front Proposed Elevation



## 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.

### Condition Categories

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

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

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

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

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

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

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

## Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

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

## Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

### **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.

<b>Item No:</b>	06
<b>Application No:</b>	21/02476/VAR
<b>Site Location:</b>	The Nest, 7 Bladud Buildings, City Centre, Bath
<b>Ward:</b> Walcot	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Application for Variation of Condition
<b>Proposal:</b>	Variation of condition 5 of application 18/04797/FUL (Conversion of existing nightclub to a public house to include ventilation and extract equipment, detached bar kiosk, covered seating area and terrace seating area to rear)
<b>Constraints:</b>	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 CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
<b>Applicant:</b>	The City Pub Group PLC
<b>Expiry Date:</b>	27th August 2021
<b>Case Officer:</b>	Helen Ellison

**DECISION**                      PERMIT

**1 Time Limit (Compliance)**

The development hereby approved shall be begun before the expiration of three years from 21st March 2019.

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 at the rear of the site 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, and terrace areas, 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 Conservation Area and 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 Noise from Ventilation and Extraction (Pre-commencement of use)**

The use hereby permitted shall not commence until a noise assessment has been undertaken by a competent person in relation to the installation of the extraction system unit to the rear of the property in accordance with BS4142:2014. The assessment shall determine the rating level of noise arising from unit installed as part of the development, at

the boundary of the nearest noise sensitive premises and identify the mitigation measures necessary to avoid complaints of noise nuisance. Noise levels shall be designed to be 5db below measured background noise levels at the rear of the property.

Reason: In the interests controlling odours and protecting residential amenity in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

#### **4 Noise from activities (Compliance)**

The applicant shall ensure that all doors and windows remain closed except for access and egress from 23.00hrs. There shall be no amplified music or other entertainment in the outside area at any time.

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

#### **5 Time limited timings - use of external area (Compliance)**

The external area to the rear of the premises hereby permitted shall be closed to the public and cleared by 23.00hrs from Sunday to Thursday and Bank Holidays and by 00.00hrs on Fridays and Saturdays.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and to enable the Local Planning Authority to review the impact of the development.

#### **6 Storage of refuse and waste materials (Compliance)**

Prior to the occupation of approved buildings, suitable and sufficient waste storage facilities shall be provided for the safe and secure on-site storage of waste derived from the business to ensure that no detriment to amenity from smell, flies or vermin arises

Reason: In the interests controlling odours and protecting residential amenity in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

#### **7 Use of Refuse and Recycling facilities (Compliance)**

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

#### **8 Construction Management (Compliance)**

- 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.

- 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.

- The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings

Reason: To protect the amenities of the occupants of adjacent residential properties in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and in accordance with the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities.

#### **9 Hard and Soft Landscaping (Pre-occupation)**

The external area to the rear of the premises shall not be brought into use until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of a planting specification to include numbers, size, species and positions of all new shrubs, details of existing and any 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 D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan

#### **10 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 external area to the rear of the premises being brought in to use 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 HE1 of the Bath and North East Somerset Placemaking Plan.

#### **11 Emergency escape gate - Submission of details (Bespoke Trigger)**

No works to the rear of the building shall commence until full details of a gate (to include plan, elevation, materials and colour/finish) leading to the emergency fire escape route to Walcot Street as shown on the drawing number 857.4 Rev B 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 and gate installed prior to the rear garden area being brought into use.

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

#### **12 Emergency Escape Only (Compliance)**

The emergency means of escape shown on the drawing number 857.4 Rev B shall be used solely as an emergency means of escape and for no other purpose.

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

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

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

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

### **14 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 drawings;

Date: 26.10.2018 Drwg. No. 857.2 Drwg. title: Existing drawings  
Date: 26.10.2018 Drwg. No. 857.3 Drwg. title: Proposed lower ground floor plans  
Date: 26.10.2018 Drwg. No. 857.7 Drwg. title: Window joinery details  
Date: 20.03.2019 Drwg. No. 857.1 C Drwg. title: Location & site plans  
Date: 19.12.2018 Drwg. No. 857.9 Drwg. title: Proposed roof plan  
Date: 30.01.2019 Drwg. No. 857.4 Rev B Drwg. title: Proposed garden & roof plans  
Date: 27.02.2019 Drwg. No. 857.6 Rev E Drwg. title: Proposed elevations & section AA  
Date: 28.02.2019 Drwg. No. 857.5 Rev E Drwg. title: Proposed elevations  
Date: 01.03.2019 Drwg. No. 857.8 Rev A Drwg. title: Amended proposed garden details section CC  
Date: 01.03.2019 Drwg. No. 857.10 Rev A Drwg. title: Amended acoustic screen

#### Advisories

##### 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

As the current premises is classed as a wet sales only establishment, a revised registration form will need to be submitted with the food safety team at Bath and North East Somerset Council at least 28 days prior to operation.

Further information can be found here:  
[HTTP://WWW.BATHNES.GOV.UK/SERVICES/ENVIRONMENT/FOOD-SAFETY/ADVICE-NEW-BUSINESSES](http://www.bathnes.gov.uk/services/environment/food-safety/advice-new-businesses)

### **Condition Categories**

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

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

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

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

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

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

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

### **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 - General Note for all Development**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

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

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

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

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

### **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.



<b>Item No:</b>	07
<b>Application No:</b>	21/02584/FUL
<b>Site Location:</b>	St Andrews, Old Lane, Farmborough, Bath
<b>Ward:</b> Clutton And Farmborough	<b>Parish:</b> Farmborough <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of ground floor extension, addition of new first floor and associated garage, including storage for refuse, recycling and bicycles.
<b>Constraints:</b>	Clutton Airfield, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
<b>Applicant:</b>	Mr & Ms Craig & Danielle Smith & Sewell
<b>Expiry Date:</b>	23rd July 2021
<b>Case Officer:</b>	Chloe Buckingham

**DECISION**                      Overturned. Refused

<b>Item No:</b>	08
<b>Application No:</b>	21/02181/FUL
<b>Site Location:</b>	Archway Cottage, Bath Road, Tunley, Bath
<b>Ward:</b> Bathavon South	<b>Parish:</b> Camerton <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of two storey side extension and demolition of existing converted garage (Resubmission).
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mark Donaldson
<b>Expiry Date:</b>	27th August 2021
<b>Case Officer:</b>	Rebecca Robinson

**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 Materials (Compliance)**

All external walling and roofing materials to be used shall match those of the existing building in respect of size, type, profile, texture, coursing and jointing.

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.

**4 Sequence of Demolition (Compliance)**

Construction of the proposed side extension shall not commence until the rear garage has been demolished as per the plans permitted under this application.

Reason: To prevent detriment to the green belt through over-development of the site by an accumulation of buildings.

**5 Retention of Arched Car-Port (Compliance)**

The car-port hereby permitted shall be retained for parking, and the arched form on the north and south sides shall remain unenclosed and unobstructed in perpetuity.

Reason: In the interest of the appearance of the development, to retain adequate off-street parking provision and to prevent detriment to the green belt by ensuring the light-weight character of the development is preserved.

## **PLANS LIST:**

This decision relates to the following plans:

Drawing - 05 May 2021 - 2009.2 D01 - EXISTING BLOCK AND SITE PLANS  
Drawing - 05 May 2021 - 2009.2 D02 - EXISTING GROUND PLAN  
Drawing - 05 May 2021 - 2009.2 D04 - EXISTING ROOF PLAN  
Drawing - 05 May 2021 - 2009.2 D05 - EXISTING FRONT ELEVATION AND SECTION AA  
Drawing - 05 May 2021 - 2009.2 D06 - EXISTING REAR AND SIDE ELEVATIONS  
Drawing - 05 May 2021 - 2009.2 D11 - PROPOSED BLOCK PLAN  
Drawing - 05 May 2021 - 2009.2 D13 - PROPOSED FIRST FLOOR PLAN  
Drawing - 05 May 2021 - 2009.2 D14 - PROPOSED ROOF PLAN  
Drawing - 05 May 2021 - 2009.2 D15 - PROPOSED FRONT ELEVATION AND SECTION AA  
Drawing - 05 May 2021 - 2009.2 D16 - PROPOSED SIDE AND REAR ELEVATIONS  
Drawing - 12 May 2021 - 2009.2 D03 - EXISTING FIRST FLOOR PLAN  
Revised Drawing - 24 Jun 2021 - 2009.2 D12A - PROPOSED GROUND PLAN

## **Condition Categories**

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### **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.

<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Planning Committee</b>
MEETING DATE:	<b>22nd September 2021</b>
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
WARDS:	ALL
BACKGROUND PAPERS:	
<b>AN OPEN PUBLIC ITEM</b>	

AGENDA  
ITEM  
NUMBER

**BACKGROUND PAPERS**

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

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

**The following notes are for information only:-**

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

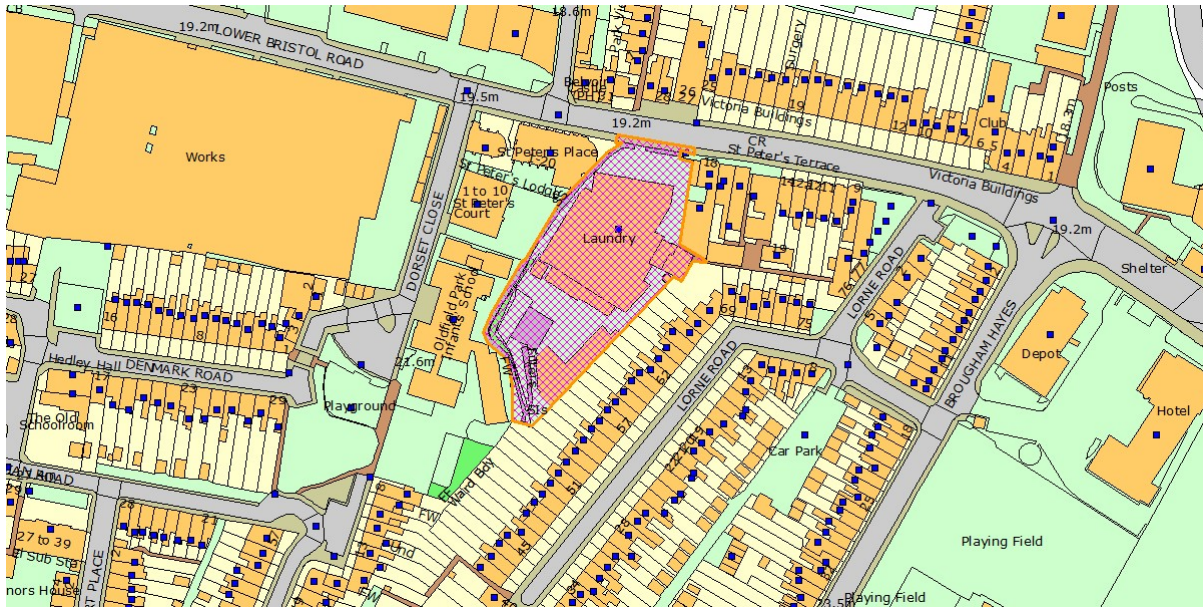
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	20/03166/FUL 23 September 2021	Lower Bristol Road Bath Limited Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.	Westmoreland	Chris Griggs-Trevarthen	REFUSE

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

**Item No:** 001  
**Application No:** 20/03166/FUL  
**Site Location:** Regency Laundry Service Lower Bristol Road Westmoreland Bath  
Bath And North East Somerset



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

**Ward Members:** Councillor Colin Blackburn Councillor June Player

**Application Type:** Full Application

**Proposal:** Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.

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

**Applicant:** Lower Bristol Road Bath Limited

**Expiry Date:** 23rd September 2021

**Case Officer:** Chris Griggs-Trevarthen

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

### **REPORT**

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

The application is subject to a viability assessment in respect of affordable housing and in accordance with the scheme of delegation is being reported to the Planning Committee.

The application was deferred from the August committee to enable members to undertake a site visit.

## DESCRIPTION

The application site measures 0.44 hectares and is located off the Lower Bristol Road, between Dorset Close and Lorne Road approximately 0.6 miles west of the city centre. It currently accommodates the Regency Laundry which comprises a single storey building with a curved roof that reaches approximately three-storey height and a two-storey frontage. The footprint of the existing building covers a large part of the site area.

The site is located within the Bath World Heritage Site but is not located within the Bath Conservation Area. The majority of the site falls within flood zone 2 with only a few areas falling within flood zone 1. There are a number of listed buildings which lie on the north side of Lower Bristol Road directly opposite the site including: Victoria Buildings (Grade II), Belvoir Castle (Grade II) and Park View (Grade II). The site is also identified as a site of potential concern in relation to contaminated land. The site is also located within the Bath Air Quality Management Area ("AQMA") and is within the Bath District Heating Priority Area.

This application seeks permission for the demolition of all existing buildings on the site, the erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bay. This includes the following:

1. 155 co-living studios
2. Shared kitchen, living, and communal amenity spaces totalling 494 sqm
3. 261 sqm of co-working space at ground floor level, which is part resident only and part publicly accessible
4. External landscaped areas including the opening up of the existing culvert
5. 155 cycle spaces and 2 car parking spaces.

The application proposes to provide 20% of the co-living studios as affordable housing. This equates to the provision of 31 co-living studios. The proposed tenure of these affordable dwellings would be discount market rent provided at 80% of the Open Market Rent. The application also includes an additional financial contribution of £49,000 towards the provision of off-site forms of affordable housing.

## PLANNING HISTORY

The site has operated as a laundry for a significant length of time and, other than smaller extensions, alterations to shop fronts and signage, it does not have any planning history of relevance to this current application.

## ENVIRONMENTAL IMPACT ASSESSMENT

A screening opinion for this development issued by the Council in June 2020 and concluded that it does not represent EIA development. Whilst there have been minor



changes to the proposals since that date, these have not been of such significance to change the conclusion that the proposal is not EIA development.

**SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

HOUSING: No objection, subject to securing affordable housing

CONTAMINATED LAND: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions.

SUSTAINABILITY ASSESSOR: No objection

ENVIRONMENTAL MONITORING: No objection, subject to conditions

URBAN DESIGN: Scope for revision

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

CONSERVATION OFFICER: Scope for revision

A scheme that is more unified in both design and use of materials and better reflects and responds to the character of the area is likely to result in more successful scheme

The impact on nearby heritage assets, designated and undesignated, is regarded as less than substantial and at the lower end of harm: negligible to slight.

ARBORICULTURE: No objection, subject to conditions

LANDSCAPE: No objection, subject to conditions

ECOLOGY: No objection, subject to conditions

PARKS: No objection, subject to planning obligations for greenspace enhancement

HIGHWAYS: No objection, subject to conditions and planning obligations

PLANNING POLICY: Objection

Loss of industrial - Policy ED2B 'Non-Strategic Industrial Premises' applies. There are strong economic reasons why this proposal for residential development resulting loss of industrial land is inappropriate taking into account the significant losses of industrial land that have occurred since 2011, the increased demand for industrial land and the lack of future supply in Bath. It is considered that the site is still capable of offering premises for industrial use.

ECONOMIC DEVELOPMENT: Objection

Economic Development cannot support the planned proposal, which would equate to the significant loss of commercial floorspace and employment within Bath & North East Somerset, for the following summarised reasons.

These are as follows:

- o A marketing period of 12 months on the open market has not been undertaken to demonstrate redundancy as an employment use.
- o As noted in the previous response the planned losses of Core Strategy Policy B1 have already been exceeded.
- o There are significant negative impacts of the loss of industrial space within BaNES and Bath in particular. Impacts in terms of employment growth, the proper functioning of the economy and the loss of future activity to other areas, further compounding these issues, if this trend continues.

AVON AND SOMERSET POLICE: No objection

VIABILITY ASSESSOR: Comments

C&W's revised appraisal produces a RLV of £247K, which is in line with the Applicants' appraisal and therefore supports the results of the Applicants' assessment.

Considering the latest information provided by the Applicant, C&W are of the opinion that the revised Affordable Housing proposal from the Applicant appears reasonable in the context of scheme viability.

ENVIRONMENT AGENCY: No objection, subject to conditions

COUNCILLOR JUNE PLAYER: Objection

Cllr. Player objects to the application for the following summarised reasons:

1. The proposals are too tall and dense for its location, it constitutes overdevelopment and will detract from historic buildings near the site.
2. It lacks architectural features of merit and does not follow the pitched roof style of the neighbouring buildings. It is a hard, flat and boring box-like design.
3. The choice of materials includes far too much grey metal cladding and is unsightly.
4. Loss of light and overlooking to St Peter's Place, particularly flats 1, 2, 7, 8 and 13 (and possibly 20), including impacts upon living rooms, gardens and private terraces.
5. Overbearing impact of the eastern building upon the gardens of Lorne Road.
6. The Urban gull management plan is unsuitable and inadequate, and gulls should be designed out from the beginning.
7. Insufficient landscaping for the number of proposed residents and would fail to soften the impact of the development in the street scene.
8. Loss of the exposed Marl Brook to the front of the proposals will have a negative impact upon ecology.
9. The proposals are only offering a single housing type and the short tenancies will not be conducive to building sustainable communities.

10. The loss of further industrial capacity to that already lost in the city will be harmful to the provision of jobs within Bath and to sustaining a mixed economy within the city. The proposals are contrary to policy ED2B.

11. The site could be redeveloped for B1 usage which by its very nature is compatible with residential areas. The applicant has also failed to evaluate a mixed-use development, with a combination of light industrial and residential use. The applicant has also failed to market the site.

12. The submitted LVIA's are of no real benefit as they are from too far away, further LVIA's showing the local impact should be submitted.

13. Planning decisions such as this should be postponed until we know the longer term impact of Covid-19.

14. There is a lack of parking provision in an area which already has serious parking issues.

#### BATH PRESERVATION TRUST: Objection

In principle, the Trust is supportive of the residential redevelopment of the site. They feel that a scheme of an appropriate design and scale could positively contribute to the social, architectural, and aesthetic significance of the streetscape. However, considering the low-rise appearance of the townscape and high concentration of Grade II 19th century terraces within the immediate contextual setting of the laundry site, they feel the proposed design in its current form would fail to respect or reinforce local distinctiveness and local townscape character, and would harm the setting of multiple Grade II buildings due to the proposed overall increase of site height and massing, and lack of meritorious detailing or form.

They consider the 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. We would therefore encourage a reconsideration of design and use of materials to better complement the existing streetscape of Lower Bristol Road whilst becoming of greater visual interest in its own right.

They also have concerns with the introduction of a co-living scheme within the context of Covid-19, which is overly dependent on communal space to make up for private studio rooms that do not meet nationally described space standards or local policy requirements for housing mix.

#### BATH HERITAGE WATCHDOG: Objection

The site however does have significance on industrial heritage grounds and there is nothing in the application that marks this, nor properly justifies its loss.

The off-set glazing of the entrance facade throws the whole out of visual aesthetic balance. There is a lack of contemporary detailing. It would have also benefited from having a roof. The other elevations show what is now standard for blocks of this type, of long stretches of wall with little or no set back and articulation and clad in an 'off the shelf' range of materials dominated by the 'see it everywhere' metal cladding mounted vertically. The point about lacking horizontal detail is continued on all elevations.

The roofscape is overlooked with a token bit of semi-mansard and flat roof with sedum. The surrounding roofscape contains red clay tiles so the proposal is not sensitive to this setting. The flat roof will be attractive to gulls.

The stand-alone element (eastern building) is the poorest feature and resembles a hay barn of agricultural design. The lack of windows is understood, but the elevational treatment could have been better handled.

The approach to vernacular should reflect residential housing in the area rather than industrial models or student blocks. The same applies to the proposed materials

The floor risk assessment should consider flooding caused by run-off from the southern hills, not just fluvial risk.

The proposal seeks to maximise units and given the constrained limits of the site, the design is cramped resulting in a cramped hemmed-in feeling which points to overdevelopment.

There are fears that the 'co-living' use will not be able to prevent student use. This has implications for housing need and parking provision.

**THIRD PARTIES/NEIGHBOURS:** There have been 29 OBJECTION comments from third parties. The main issues raised were:

Many of the comments considered that the scale of the proposed building at 4 storeys was too big and out of keeping with the locality. It was considered to have an overbearing impact on the adjacent St Peters Place and a harmful impact upon the setting of the nearby listed buildings (Victoria Buildings, Belvoir Castle and Park View).

Several comments also considered that the proposals would jar with the surroundings, appearing incongruous and not in keeping with the surrounding Victorian and Georgian buildings.

Several also considered that the proposals would represent overdevelopment and would appear cramped on the site.

Many comments were concerned about the impact of the proposed building upon the amenities of adjoining neighbours including St Peters Place, St Peters Hall and Lorne Road. There was concern that the proposals would result in significant loss of light, outlook and privacy from private areas serving these surrounding properties. There was also concern about the loss of outlook, light and privacy from the adjacent school and its associated playground. There was criticism of the submitted daylight/sunlight assessment which it was suggested was based upon incorrect assumptions and referred to outdated guidance.

A few of the comments raised concerns over the proposed co-living use, criticising the single tenure nature of the development and stating that it would have an adverse impact upon communities and fail to comply with policy CP10. There were concerns that the proposed co-living use was purpose-built student accommodation in 'disguise' and

highlighted a perceived lack of need for further student accommodation and the existing overabundance of HMOs in the area. Others were concerned that the development will be used by 'temporary' or 'transitory' residents who will not contribute towards the community. There was concern that demand for this type of living would not exist or that these types of living arrangements are not sensible due to the current concerns about Covid-19.

A few of the comments were concerned about the occupiers of the proposed development having parties and generating noise and disturbance beyond that experienced as a result of the current use. There were concerns about litter, noise and anti-social behaviour emanating from the development.

Many were concerned about the lack of parking for the proposed development and felt that 1 disabled space and 1 car club space were insufficient. There is a perception that 'car-free' development does not work and concerns that parking demand from the development will add to already busy streets which are not covered by the residents parking zone ("RPZ"). Several comments highlighted the need for electric charging points.

Several comments highlighted that the loss of industrial land would be contrary to local policy and the objectives for job creation set out in the Core Strategy.

There were concerns that the proposals would result in an increase in traffic which would, in turn, result in an increase in pollution.

Several criticised the proposed co-living accommodation calling it too small with poor levels of outlook and daylight. They also highlighted the lack of outdoor space available to occupiers and considered the development to be unsustainable. Several also considered that the proposed flats were not futureproofed and would be difficult to adapt to a different use if demand were to shift.

There was concern about a lack of greenery on the site and that the proposals would 'hide' the Marl Brook to the detriment of wildlife and ecology.

There was concern that the proposed flat roofs and use of sedum roofs would attract urban gulls which are a nuisance.

A total of 7 SUPPORT comments have been received. The main points raised were:

Comments suggested that the proposals would help to transform and regenerate a vacated brownfield site. It was suggested that the scale was in line with recently consented or completed development and that it would assimilate into its surroundings well. It was suggested to enhance the area, improve the environment and visual appearance of the area.

Several suggested that the co-living units would support young professionals, graduates and single households in the city with finding accommodation and described it as an 'affordable living method'. It was suggested that the development will help meet the city's housing targets and address the housing shortage. It was also suggested that it would ensure that the city does not lose its graduates.

It was considered that the proposal provides a significant amount of affordable housing and that this was rare for Bath developments.

The co-working lounge was considered to be a benefit of the scheme which would be available to the occupiers as well as the wider community. It would also provide the site with an active frontage.

It was suggested that the proposals would provide economic benefits to the local economy as it would support local businesses and generate jobs in both its construction and operational phases.

Several comments were made to suggest that the developer has a track record for delivery.

The proposed sustainability features of the development were highlighted alongside the public realm improvements that would be provided.

## **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)

## **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
- SD1 Presumption in favour of Sustainable Development
- B1 Bath Spatial Strategy
- B4 Bath World Heritage Site
- B5 Strategic Policy for Bath's Universities
- CP2 Sustainable Construction
- CP4 District Heating
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP9 Affordable Housing
- CP10 Housing Mix
- CP13 Infrastructure Provision

## **PLACEMAKING PLAN**

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

SCR1 On-site Renewable Energy Requirement  
SCR2 Roof-mounted/Building-integrated Scale Solar PV  
SCR5 Water Efficiency  
SU1 Sustainable Drainage  
BD1 Bath Design Policy  
D1 General Urban Design Principles  
D2 Local Character and Distinctiveness  
D3 Urban Fabric  
D4 Streets and Spaces  
D5 Building Design  
D6 Amenity  
D8 Lighting  
D9 Advertisements and Outdoor Street Furniture  
HE1 Historic Environment  
NE1 Development and Green Infrastructure  
NE2 Conserving and Enhancing Landscape and Landscape Character  
NE2A Landscape Setting of Settlements  
NE3 Sites, Species and Habitats  
NE6 Trees and Woodland Conservation  
PCS1 Pollution and Nuisance  
PCS2 Noise and Vibration  
PCS3 Air Quality  
PCS5 Contamination  
PCS7A Foul Sewage Infrastructure  
H7 Housing Accessibility  
LCR7B Broadband  
LCR9 Increasing the Provision of Local Food Growing  
ST1 Promoting Sustainable Travel  
ST2 Sustainable Transport Routes  
ST7 Transport Requirements for Managing Development

## **SUPPLEMENTARY PLANNING DOCUMENTS**

City of Bath World Heritage Site Setting SPD (2013)  
Sustainable Construction Checklist SPD (2018)  
Planning Obligations SPD (2019)

## **ADDITIONAL GUIDANCE**

Bath City Wide Character Appraisal (2005)  
Strategic Flood Risk Assessment (SFRA) of Bath and North East Somerset (2009)  
Bath Building Heights Strategy (2010)  
Green Infrastructure Strategy (2013)  
West of England Sustainable Drainage Developer Guide (2015)  
Bath Air Quality Action Plan (2016)

## **NATIONAL POLICY AND GUIDANCE**

The National Planning Policy Framework ("NPPF") and National Planning Practice Guidance ("NPPG") are significant material considerations. The following paragraphs and sections are of particular relevance:

8 - 12 Achieving sustainable development and the presumption in favour of sustainable development

55 - 58	Planning conditions and obligations
81 - 83	Supporting economic growth
92	Achieving healthy, inclusive and safe places
98	Access to networks of high quality open spaces
107	Setting parking standards
119 - 120	Making effective use of land
124 - 125	Achieving appropriate densities
123 - 132	Creation of high quality buildings and places
134	Refusing poor design
157	Decentralised energy and minimising energy consumption
162 - 168	Planning and flood risk
174	Conservation and enhancing the natural environment
180	Habitats and biodiversity
183 - 187	Ground conditions and pollution
189	Significance of heritage assets
194 - 197	Proposals affecting heritage assets
199 - 208	Heritage assets and public benefits

## **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. Loss of industrial use
2. Co-living and co-working
3. Affordable Housing
4. Design
5. Heritage
6. Residential amenity
7. Highways and parking



8. Ecology
10. Trees and woodland
11. Parks and open spaces
12. Flood risk
13. Drainage
14. Contaminated land
15. Air quality
16. Sustainable construction and climate emergency
17. Public benefits
18. Other matters
19. Planning balance
20. Conclusion

## 1. LOSS OF INDUSTRIAL USE

The existing site was until recently in use as a commercial laundry (class E(g)(iii)) with an element of a dry-cleaning service provided on-site as well. The proposals will therefore involve the loss of the existing industrial use.

Policy ED2B of the Placemaking Plan relates to non-strategic industrial sites that are not offered protection under policy ED2A. Here applications for changes of use to non-industrial/B use class employment uses will normally be approved unless there are strong economic grounds for refusal. Evidence of unsuccessful marketing on reasonable terms for 12 months prior to an application and during a sustained period of UK economic growth will be taken as evidence that there is not a strong economic reason for refusal.

First, it is necessary to consider whether there is a strong economic reason for refusal. What constitutes a strong economic case is not defined within the Placemaking Plan, but this policy must be viewed within the context of the Core Strategy and its objectives.

Policy DW1 makes provision to accommodate a net increase of 10,300 jobs by 2029 with policy B1.2a identifying an overall net increase in jobs of 7,000 for Bath. Strategic Objective 3 of the plan proposes "maintaining an appropriate supply of land in Bath for industrial processes and services to ensure the city retains a mixed economy" and Policy B1.4 indicates that the plan will work to "achieve a better balance between the overall number of jobs in the city and the resident workforce" and that "Economic diversification will reduce the need for a significant minority of resident workers to out-commute to other areas."

The Core Strategy identifies also identifies the following as one of the strategic issues facing Bath:

"Alongside measures to diversify the economy, industrial enterprise must be allowed to compete in the land market in order to sustain a mixed employment offer for a multi-skilled workforce"

Notwithstanding, the above Policy B1.2e plans for a contraction in the demand of industrial floor space by about 40,000sqm over the plan period but seeks to sustain a

mixed economy to support Bath's multi-skilled workforce and multi-faceted economic base by retaining a presumption in favour of industrial land in the Newbridge Riverside area.

In addition to the above, the Council have published a guidance note on the implementation of policy ED2B setting out the criteria to determine whether a strong economic reason exists. These are set out below alongside commentary about their relevance to the current application.

*Progress against the area specific managed changes in industrial floorspace stated in the Core Strategy*

The latest annual monitoring report shows a net loss of over 45,092 sqm of industrial floorspace in the period of 2011-2018. This exceeds the managed reduction of 40,000 sqm in the Core Strategy plan period between 2011-2029. A further loss of 11,000 sqm is also anticipated through extant permissions and site allocations in the Placemaking Plan. This would result in excessive losses of industrial floorspace which would be contrary to policy B1 and would risk harming the ability of Bath to meet its strategic objectives.

In respect of jobs growth, there has been a net growth of approximately 1,900 jobs, 800 short of the 2,722 jobs that would have needed to have been created by 2018 to meet the growth targets of the Placemaking Plan. This places further emphasis on the need to support the economic development strategy and to prevent further losses of industrial floorspace which could support additional jobs growth.

*Employment & Business Sectoral Growth - growth in business and employment sectors that do or could occupy the site in question.*

When looking at the ONS Annual Population Survey Data it shows that between 2019-2020 there was a 1.8% (5.2% 2019, 7% 2020) increase in the percentage of the BaNES population employed in the manufacturing sector and a 0.8% (6.5% 2019 7.3% 2020) increase of the population employed in the construction sector. This demonstrates employment growth in the business sectors which could occupy the site.

*Present use - Is the site presently in occupation and how many people are employed there?*

The site is currently occupied by Regency Laundry, a commercial laundry company. However, they have advised that from October this year they will be vacating the site and moving to a new site in Corsham, Wiltshire. The reason given for their vacating the premise is that they have reached the limits of available capacity on the site due to its logistical and environmental constraints and that they were seeking larger and more modern premise.

That the existing tenant has operated successfully and has now outgrown the premises is noted, and their identification of possible expansion sites is very welcome by Economic Development. However, the fact that the current occupier is expanding does not imply that the site is redundant for any further commercial/industrial use.

The site will therefore shortly be vacant, but prior to this has been in continuous operation as a commercial laundry since 1879. The information submitted with the application suggests that the current business employs 85 people, although it is unclear precisely how many FTE jobs this equates to.

*Suitability/ viability - if the site is not currently occupied whether it is in a condition and location that it can viably continue as an industrial employment site*

A report from a commercial property agent, Hartnell Taylor Cook, submitted with application considers the existing site to be categorised as Grade C stock and describe the building's condition as varying between fair and poor. The report also highlights a range of issues with the property's condition ranging from some water ingress, limited WC and amenity space, access constraints and poor energy performance.

The report also indicates that, due to the length of time the property has been in use as a commercial laundry, it has clearly been tailored to the needs of the laundry businesses and would likely require some modification if taken on by a different industrial use.

The report concludes that, due to the property's age and bespoke configuration, that the building would be unlikely to attract meaningful commercial interest from developers or owner-occupiers on viability grounds. It is noted that the submitted reports from commercial agents consider continued use of the building for industrial purposes 'unlikely', but none go as far as to suggest that it would be impossible for the building to be used for another industrial purpose in its current condition.

However, the site does benefit from a desirable central location. Economic Development advise that such sites in the city of Bath are very rarely available, with the recent erosion of commercial floorspace narrowing the city's economic base and limiting property options for the business that remain.

The site is surrounded by residential uses and a school. It is therefore less likely to be suitable for heavy industrial use (B2), although this would depend upon the specific circumstances of the case. However, it is relevant that premises have been in continuous operation as a laundry business without any significant record of complaints for a significant length of time. The site would therefore clearly be suitable for a class E(g)(iii) use, e.g. an industrial process being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. It may also be suitable for a B8 use depending upon the specifics of any proposal.

The applicant has also sought to provide financial viability appraisals for two alternative scenarios: the refurbishment of the existing space and redevelopment of the site for an industrial use.

However, there are several assumptions underlying these viability appraisals which are either erroneous or not transparent.

The viability for the refurbishment of the existing space assumes that the entire footprint of the premises needs to be refurbished despite the commercial property report describing building's condition as varying from fair to poor. However, it is possible that a more selective approach to bringing the property up to an appropriate standard would be adopted by any prospective purchaser. They are likely to be multiple different scenarios for refurbishment depending upon the interested occupier and thus the assumed refurbishment scenario does not prove that a refurbishment of the premises would be unviable in all scenarios.

The selected refurbishment scenario also assumes other costs, such as the infill of the reservoir, when it may be the case that other industrial processes which require access to a suitable water source may seek to retain this. The letting period is assumed to be 12 months 'reflecting the market for this tertiary asset in this location'. However, as discussed in the section below, there is a high level of demand for this sort of industrial property and limited supply, so these suggested figures appear pessimistic.

The viability for the proposed redevelopment as industrial use makes an even greater number of assumptions. Firstly, it asserts that the site does not lend itself to a large, single occupier given the proximity to residential properties and an Infants school. However, the site is currently occupied by a large single occupier and there is no reason to believe that another large single E(g)(iii) use could not occupy the site without harming the amenities of local residents. This leads to the viability appraisal assuming 6 to 8 individual units would be created which has the knock-on effect of duplicating the amount of office floorspace which would be required to services these units and for which there is a substantially higher cost per square foot.

The appraisal also erroneously includes planning costs of £15,000 which should not be included within an NPPG compliant viability appraisal. In addition, the appraisal also applies a 25% discount from the residual land value to account for planning permission for a change of use, which appears to represent double counting of a cost which shouldn't even be included in the appraisal in the first place.

Fundamentally, the appraisal shows only one potential redevelopment scenario and there would be many ways in which the redevelopment of the premises for an industrial use could be developed. Thus, a viability report based upon one scenario does not prove that redevelopment of the site for an industrial use would be unviable in all scenarios.

Notwithstanding, this fundamental flaw in the applicant's approach to viability and the specific issues with the submitted report, the viability report shows a residual land value of £202,000 under the assumed redevelopment scenario. The benchmark land value, agreed as part of a separate viability exercise relating to the proposed affordable housing provision, is also £202,000 thereby suggesting that this scenario is actually viable. The submitted report seeks to paint this as unviable by suggesting that the landowner seeking to release the site for redevelopment would have to have 'consideration of the commercial reality of the market', but that is not a factor under the NPPF/NPPG approach to viability.

*Demand - if the site is vacant is there any information on the level of commercial demand for the site, this is defined by evidence of marketing on reasonable terms for 12 months prior to an application and the interest from the market.*

Whilst the site is not currently vacant, it shortly will be when the current business moves from the property.

The premises were not marketed for a commercial user prior to the submission of the application. The only marketing undertaken was by direct approach to a limited number of selected developers for redevelopment purposes.

The commercial reports submitted with the application suggest that this is because they considered it unlikely that the existing buildings would provide a competitive value and return in continued operation as a warehouse or for some industrial process. It is suggested in the submitted reports that although initial interest might be forthcoming it was considered that no tenant would be prepared to enter into a full repairing lease of such an old and unusual building given the costs involved. Some of these assumptions have already been discussed and challenged above, but the failure to market the site means that it was not possible to test whether these assumptions were sound or not.

The Council's Economic Development team have provided evidence about the high levels of demand for industrial space within Bath.

A recent commercial report (Alder King Marketing Monitor 2021) noted that "Demand for good quality industrial space remains strong, with a number of active requirements, particularly for freehold space. However, options within the city continue to be almost non-existent. Supply is limited to second-hand stock. There has been no speculative industrial/distribution development in Bath and none is expected for the foreseeable future with alternative uses still able to significantly outbid industrial and logistics occupiers. Occupiers struggling to find accommodation of a modern specification are therefore forced to consider locations outside Bath"

Whilst the existing premises is low grade stock, the Hartnell Taylor Cook report submitted with the application indicates that the majority of deals on the take up of industrial space in Bath have been concluded on Grade C (poor) floorspace (Hartnell Taylor Cook, page 10) demonstrating that there is still a demand for the lower grade stock.

The Bath & North East Somerset Employment Growth and Employment Land Review by Hardisty Jones Associates and Lambert Smith Hampton March 2020 also provides useful analysis of the chronic shortage of industrial space within the area and the detrimental impact it is having on the functioning of the economy.

Key points from this report demonstrate the negative impact the loss of industrial space has had within B&NES and Bath in particular. Future impacts in terms of employment growth, the proper functioning of the economy and the loss of future activity to other areas, further compounding these issues, if this trend continues.

Furthermore, Economic Development have provided details of enquiries received from businesses seeking these sorts of premises since September 2020. This demonstrates that there have been a significant number of enquiries seeking this size of industrial premise in Bath.

In addition, the applicant has recently begun marketing the site. Following the initiation of this latest marketing exercise, the Council was contacted directly by a business expressing a direct interest in redevelopment of the site for industrial use.

### *Loss of industrial use conclusions*

There has been an excessive loss of industrial premises in Bath which threatens the ability to meet the economic development objectives of the Core Strategy in terms of maintaining a mixed economy, reducing out commuting and jobs growth. There is evidence of growth in the relevant business sectors which could occupy the site and, whilst the current occupiers will be vacating the site due to it no longer meeting their needs, the site has been in continuous use for industrial purposes since 1879.

Whilst the existing premises represents relatively low-quality stock, there is clearly very strong demand for industrial premises in Bath. The applicant's evidence that the site is not suitable or viable is based upon assumptions which are untested due to their failure to market the premises. This is further borne out by the industrial interest arising from the recently initiated marketing of the premises.

It is therefore considered that there is a strong economic reason why the residential development of this site would be inappropriate. Evidence of unsuccessful marketing on reasonable terms for 12 months prior to an application has not been provided to demonstrate that there is not a strong economic reason for refusal. The proposals are therefore contrary to policy ED2B and would be harmful to the economic development objectives of the policies DW1 and B1.

## 2. CO-LIVING AND CO-WORKING USE

Co-living is a relatively new housing model with only a small number of examples around the country and no existing examples with the B&NES district. It is a type of shared living concept where there is a strong focus on the creation and nurturing of a sense of community usually comprising smaller living spaces with generous communal amenity spaces and facilities. It is distinct from other forms of shared living like PBSA due to the greater level of amenity spaces provided, the services and facilities provided, the range of tenancies available and the targeting of young professionals, graduates and single households.

The Core Strategy and Placemaking Plan are silent on the concept of co-living accommodation, although the principle of new residential accommodation within the built-up area of Bath is acceptable in accordance with policy B1.

The proposed co-working lounge (261 sqm) will be partly for residents only and part publicly accessible. Whilst the use by residents would likely be considered ancillary to the overall co-living use, the use by visiting members of the public may represent a separate office use. A co-working lounge is considered to be a main town centre use and the site is located outside of any of the centres located on the policies map. It is therefore necessary to consider the proposal against policies CR1 and CR2 of the Placemaking Plan.

Policy CR1 requires that a sequential test is undertaken unless the proposals is of small scale (less than 280sqm gross floorspace). Similarly, policy CR2 requires an impact assessment to be undertaken for office proposals where they are over 2,500sqm (gross). The proposed co-working lounge falls beneath both of these thresholds and therefore considered to be small scale. There is no requirement for the proposal to pass the sequential test or undertake an impact assessment.

The proposed co-working lounge is therefore considered to comply with policies CR1 and CR2 of the Placemaking Plan and is acceptable in principle.

### 3. AFFORDABLE HOUSING

Policy CP9 requires all residential developments of more than 10 dwellings to provide on-site affordable housing. The site falls within the lower value sub-market area where there is a target of 30% affordable housing provision in accordance with policy CP9.

The application proposes to provide 20% of the co-living studios as affordable housing. This equates to the provision of 31 co-living studios. The proposed tenure of these affordable dwellings would be discount market rent provided at 80% of the Open Market Rent. The application also includes an additional financial contribution of £49,000 towards the provision of off-site forms of affordable housing.

In seeking to justify the lower level of affordable housing than the 30% required by the policy, the applicant has submitted a viability appraisal as permitted to do so in accordance with policy CP9.

The Council have appointed independent viability consultants to review the applicant's submitted appraisal. Whilst some points of difference remain between the applicant's viability consultants and the Council's appointed viability assessors, both appraisals show a viability deficit. The Council's viability consultants have therefore concluded, on balance, that the affordable housing offer tabled by the applicant represents a reasonable position that the scheme can viably support.

Therefore, whilst the proposed level of affordable housing is lower than the 30% required by the policy, it is considered that this is justified by the scheme's viability. The proposals are therefore considered to provide affordable housing in accordance with policy CP9 of the Core Strategy.

### 4. DESIGN

The proposals have been subject to pre-application discussions and has previously been reviewed by the Council's preferred Design Review Panel (Design West). The submitted plans have sought to address the pre-application feedback and Design Review Panel response.

#### *Layout*

The layout comprises two buildings. The main larger building orientated on three axes and has a frontage facing towards Lower Bristol Road. The frontage is set back from the street and the general building line along this part of Lower Bristol Road. Approximately two thirds of the frontage have the same building line as the existing building, but the co-working lounge element projects further forward (although still behind the general building line along Lower Bristol Road).

The main building then extends southwards back into the site before turning towards the south-east. The smaller building is located in the rear of the site to the east of the main building and has a rectangular footprint. The external cycle store is located along the eastern boundary of the site and is accessible via a walkway to the east of the frontage part of the main building.

Concern has been raised by the Urban Designer that there is insufficient space around the proposed buildings. The proposed building is relatively tight to some of the site boundaries considering its size, but it is located in a fairly densely built-up area of Bath and the spaces afforded around the building are considered to be, on balance, acceptable.

The location of the co-working lounge will generate activity which will help to give primary street elevation an active frontage and is supported.

### *Height, Scale and Massing*

The area surrounding the site comprises a mixture of two and three storey buildings. St Peter's Place immediately adjacent to the site has a three storey scale with a large roof form characteristic of its former use as a church.

The main building has three different heights; the forward projecting co-working lounge is single storey, the frontage onto Lower Bristol Road is three storeys and the rear part of the building is 4 storeys with the top storey located within a mansard roof. The building then drops back down to 3 storeys as it turns towards the southeast corner of the site. The separate rectangular building is three storeys with a pitched roof form.

The use of 4 storeys goes slightly beyond the prevailing height in the surrounding area. However, as this is located towards the rear of the site it is largely hidden from public viewpoints and will not appear unduly prominent or out of keeping with the surroundings.

The Conservation Officer and other third parties have raised concerns about the use of flat roof forms which they consider not to be in keeping with the more traditional pitched roof forms in the surrounding area. Whilst a pitched roof would have been preferred, it would have added additional height to the proposed building making it more prominent. Furthermore, the Landscape Officer has raised no criticism of how the roofscape appears in distant views.

The proposed building has a large footprint, but the way it has been broken into separate elements is relatively successful in breaking down the massing of the building, particularly on the site frontage. It maintains a human scale to the street scene and the single storey co-working/café projection evokes the character of the single storey shop fronts attached to Victoria Buildings opposite.



The 3 storey pitched roof separate building sits comfortably within the site and is of an appropriate scale, height and massing.

### *Landscaping*

The existing site is primarily covered in hardstanding and does not contribute much in the way of greenery other than the existing trees on the site boundaries. An illustrative landscape masterplan and Landscape Strategy have been submitted and reviewed by the Landscape Officer. These present a well-considered response to the site that has the potential to both create a high-quality external environment for the residents of the proposed development and considerably enhance the site's green infrastructure, biodiversity and nature conservation value. A detailed landscaping scheme can be secured by condition.

### *Identity, materials and detailing*

The proposals utilise a variety of materials for its elevation including lias stone, brick, coloured panels and metal cladding. Some concerns have been raised by the Urban Design and Conservation Officer about the materials palette being over complicated and requesting a more simplified and unified approach to materials. Whilst these concerns are noted, the only highly visible elevation is the north elevation onto Lower Bristol Road. The materials on this elevation are limited to bath stone and lias limestone with a small amount of metal cladding which are considered appropriate in this context. Other elevations towards the rear of the site are not particularly visible in public views and the visual impacts are limited and contained by the two and three storey residential and educational buildings which surround it. It is also possible that the precise specification and the palette of materials could be rationalised and improved as part of a planning condition requiring further details of materials.

### *Design conclusions*

The layout, height, scale, massing and form of the proposed building are, on balance, acceptable due to the limited visibility of the rearward portions of the site and the lowering of the scale of the building towards the more visible site frontage. The use of materials is also acceptable (subject to conditions seeking to simplify the palette of materials). The landscaping proposals are positive and will result in a significant greening of the site compared to the existing situation.

The proposals are therefore considered, on balance, to comply with policies BD1, D1, D2, D3, D4 and D5 of the Placemaking Plan and are acceptable in design terms.

## 5. HERITAGE

The proposal has the potential to have impacts (both positive and negative) upon a range of heritage assets. These are considered in turn below:

### *World Heritage Site*

A Landscape and Visual Impact Assessment ("LVIA") has been submitted with the application and assesses the impact of the development from several viewpoints. This has been reviewed by the Landscape Officer who has assessed the impact upon the World Heritage Site.

Given the 3/4 storey height of the proposed development and its location within an area of the city that has historically been associated with industry and utilitarian residential development, the Landscape Officer considers it unlikely that it would have a significant impact on the Outstanding Universal Value ("OUV") of the World Heritage Site, its authenticity or integrity.

The set back nature of the existing building's northern frontage onto the Lower Bristol Road and its three-storey height mean that its landscape and visual impact are limited and contained by the two and three storey residential and educational buildings which surround it.

The proposed buildings may be more visually prominent than the existing building as a consequence of their proposed greater three and four storey height. However, the submitted elevations and 3D view on the cover of Design Statement would suggest that the experience of any increased landscape and visual impact as a result of the development's height is likely to be largely restricted to the occupants of neighbouring properties rather than in distant or sweeping views.

The Conservation Officer also concludes that there would be no detrimental impact upon the OUV of the World Heritage Site.

The proposed development is therefore considered to preserve the OUV of the World Heritage Site and complies with policy B4 and HE1 of the Core Strategy/Placemaking Plan in respect of the World Heritage Site.

### *Listed buildings*

The nearest listed buildings are located opposite the site on the Lower Bristol Road, including Victoria Buildings (Grade II), Belvoir Castle (Grade II) and Park View (Grade II). These two storey, primarily terrace, properties line the opposite side of the street to the application site.

The existing laundry building on the site does not make any positive contribution towards the setting of these listed heritage assets. The impact of the existing laundry is described by the Conservation Officer as negative/neutral and therefore its removal is not considered to be harmful to the setting of the nearby listed buildings.

The proposed building is of greater scale and projects further forward than the existing building. The proposed development is therefore more prominent than the existing building. Furthermore, the Conservation Officer has highlighted some matters relating to

the design which do not respond as successfully to the site's context. To this end, they have identified less than substantial harm to the setting of these nearby listed buildings. They have suggested that this is at the lower end of harm and described it as negligible to slight.

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.'

Considerable weight and important should therefore be given to the harm identified to the above setting of the above listed buildings. In accordance with paragraph 202 this harm should be weighed against the public benefits of the scheme (discussed in greater detail in the public benefits section below). In this case, it is considered that the public benefits of the proposed development outweigh the great weight given to the harm identified.

### *Undesignated heritage assets*

Some concerns have been raised about the impact of the proposed development upon the setting of St Peter's Place, a former church which has been converted into flats, immediately adjacent to the site. The former church holds some significance and is considered by the Conservation Officer to be a non-designated heritage asset.

The existing laundry building, whilst of little architectural merit, is clearly subservient to the prominent pitched roof of the former church. The proposed development would be of a greater scale and bulk than the existing building and as a result would start to erode the dominance of St Peter's Place. However, both the height of the frontage nearest to St Peter's Place and the 4 storey element to the rear would still remain lower and subservient to the large roof form of the former church.

The Conservation Officer judges this impact to be at the lower end of harm and described it as negligible to slight (less than substantial).

Paragraph 203 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In this instance, the level of harm identified to the setting of the non-designated asset is low (negligible/slight) and it is considered that the public benefits of the proposals outweigh the harm identified to this non-designated heritage asset.

The laundry building itself contains an unusual and rare example of a C19 iron, 'Belfast' trusses and frame, which possess some historical significance. Whilst not significant enough to justify the retention of the existing building, the Conservation Officer has recommended the inclusion of an appropriately worded condition in order to secure their preservation and reuse, albeit on an alternative site.

## 7. RESIDENTIAL AMENITY

The application site is surrounded by several existing properties including:

1 - 20 St Peter's Place, a former church converted to flats to the northwest  
1 - 10 St Peters Court, a block of flats to the west  
18 St Peters Terrace, a 3-storey mixed use terrace east of the site frontage  
53 - 68 Lorne Road, a row of two storey terraces along the eastern boundary of the site  
Oldfield Park Infants School

#### *1 - 20 St Peter's Place*

The 3 storey frontage element of the main building is located between approximately 4 - 8m from the site's boundary with 1 - 20 St Peter's Place. Although the proposed development is taller than the existing building it is set further back from the boundary by several metres. Notwithstanding this, concerns have been raised about the potential loss of light to properties in St Peter's Place. A daylight/sunlight assessment has been submitted with the application which has been undertaken in accordance with BRE guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (2011) which is an industry standard document. The assessment measures vertical sky component ("VSC"), No-Sky Line ("NSL") and Average Daylight Factor ("ADL"). The submitted assessment shows that the proposed development meets the BRE guidance targets for the vast majority of the windows/rooms in St Peter's Place.

There would be some slight deviations from the BRE guidelines to some of the windows serving rooms in St Peter's Place, but the extent of the deviation is small, and most of the rooms effected are served by multiple windows. These deviations must be seen in the context of paragraph 125c of the NPPF which states that:

"local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."

Additionally, the submitted assessment suggested that if a 'mirrored baseline' analysis is undertaken, as is permitted by the BRE guidance, then all of the windows and rooms are compliant. It is therefore considered that the proposed development will not have an undue impact upon the light or outlook of 1 - 20 St Peter's Place.

Whilst there are no windows proposed in the west elevation of the frontage element of the main building, the 4 storey rear element does contain multiple windows serving co-living studios in its west elevation. This element of the proposed building is set further back from the boundary with St Peter's Place (approximately 8 - 11m). The positioning of the two buildings means that the south elevation of St Peter's Place and west elevation of the proposed development are set at an angle of approximately 60 degrees from one another. Distances between windows range between approximately 13 - 30m. Whilst some of these distances are relatively close, the angle of the buildings means that the majority of views that might be obtained will be indirect or at relatively obtuse angles so will have a limited impact upon privacy.

Flat 2 St Peter's Place has a small outdoor yard to the south and flat 7 has a first-floor terrace to the south. The proposed building is set back approximately 10 - 11m from these outdoor spaces. Whilst there will likely be some overlooking of these spaces which will have a negative impact upon their amenity, given the relatively dense urban context and the fact that the proposed building is set back a reasonable distance from the boundary it is not considered such a significant impact as to warrant an objection against policy D6 of the Placemaking Plan.

#### *1 - 10 St Peter's Court*

The 4 storey element of the main building is set back approximately 8 - 11m from the boundary with 1 - 10 St Peter's Court. This is considered to be a reasonable set back and will prevent the proposed development from appearing overbearing or resulting in any significant loss of light or outlook. The proposed windows are between approximately 22 - 30m from the rear of St Peter's Court. This generous separation distance is considered to prevent any harmful overlooking from occurring. The submitted daylight/sunlight assessment demonstrates that the proposals would be within the BRE guidelines. The proposed development is therefore considered not to have any significant detrimental impact upon the amenities of 1-10 St Peter's Court.

#### *18 St Peter's Terrace*

18 St Peter's Terrace is a 2-storey mixed use terrace property with an extension to the rear. The property comprises a retail shop on the ground floor fronting St Peter's Terrace and, residential uses to the first and second floor in the front part of the building. The rear element of the site is in non-residential use.

The three-storey frontage element of the main proposed building is situated approximately 2m from the side boundary of 18 St Peter's Terrace. The first-floor west elevation of 18 St Peter's Terrace contains several windows serving two bedrooms and a living area. The submitted daylight/sunlight assessment shows that, although there will be an impact upon the light received from some of the windows serving the living area, it is served by multiple windows and will remain within the BRE guidance levels.

There are no windows proposed on the side elevation of the proposed development which would overlook windows within 18 St Peter's Terrace.

The proposed development is therefore considered not to have a significant impact upon the amenity of 18 St Peter's Terrace.

#### *53 - 68 Lorne Road*

The proposed separate 3 storey building is set back 5 - 7m from the boundary with 62 - 68 Lorne Road. The distance from the rear elevations of these properties is between 15 - 20m. Given these separation distances and the lower height of this element of the proposals, it is considered that there will not be any significant impact upon the light or outlook from these properties.

The southernmost element of the main proposed building is closer to this boundary ranging from between 3 - 10m. However, the distances from the rear of 53 - 58 Lorne Road remain approximately between 15m - 22m. Given the lower height of this element and the distances involved, it is considered that there will not be any significant impact upon the light or outlook from these properties.

The east elevation of the separate 3 storey building contains only obscurely glazed windows serving corridors. It therefore does not afford any views towards properties in Lorne Road.

Views from the east facing elevation of the 4 storey element of the main proposed building are over 30m from the rear of properties in Lorne Road and the vast majority views will also be screened by the presence of the separate 3 storey building. This separation distance and screening prevents any harmful overlooking from occurring towards Lorne Road.

The southern most elevation of the main proposed building contains only obscurely glazed windows serving corridors in its end elevation. Its north east elevation does contain a range of windows which will look towards the eastern boundary with Lorne Road. However, the angle of the building is approximately 60 degrees and so the views obtained will largely be indirect. The distance from the rear of properties in Lorne Road range from around 19m to over 25m and are not considered to result in any significantly harmful overlooking.

#### *Oldfield Park Infants School*

Oldfield Park Infants School is located to the south-west of the site and comprises multiple buildings and structures along with its playground. The main proposed building would range between approximately 11m - 18m away from some of the nearest buildings of the school but would be over approximately 40m from the playground. The proposed development does not appear to offer any significant views into any sensitive or private areas of the school and is a significant distance from the playground. There are no relevant guidelines about appropriate levels of amenity for an Infant School, but it is considered that the proposals will not significantly undermine the privacy or amenity of the school.

#### *Co-living dwellings*

Co-living is a type of shared living concept where there is a strong focus on creation and nurturing of a sense of community usually comprising smaller living spaces with generous communal amenity spaces and facilities.

The proposed development provides a total of 155 co-living studios each of which would be provided with a reasonable level of light, outlook and privacy. The rooms range in size from 19sqm to 33sqm with the average studio measuring 22sqm. This is significantly lower than nationally described space standards for normal residential studios, but this is offset to a by the provision of communal amenity spaces comprising the following:

- o A gym/fitness studio
- o 2 communal kitchen and dining areas
- o Reading room
- o TV/Lounge Room
- o Laundry Room
- o Co-working lounge
- o Landscaped gardens

Some criticism of the amount of communal floorspace has been made by the Urban Design Officer. The Design Review Panel also sort for these spaces to be more bespoke with a wider selection of spaces spread throughout the building. However, there is currently a lack of guidance or policy relating to the standards expected of co-living development and there are no other examples in the district to draw upon. The proposals do provide a similar number and amount of communal space as co-living schemes in other districts which have been provided as examples, although the implementation of communal spaces in other schemes appears to have been more elegant than the relatively simplified arrangement of communal spaces in the current proposal.

However, a co-living report (JLL, Stage 2 Co-living report) submitted with the application indicates that the layout of the spaces within the building provides flexibility in terms of their set up and uses allowing the management of the building to change how these spaces are used depending on how the residents occupy them. These spaces will be available to all tenants of the proposed development at no additional cost, including those occupying the affordable units. Tenants will also have access to high-speed broadband and wi-fi.

The development will also be maintained in a single ownership with a professional management service that manages and maintains the building.

Overall, it is considered that the proposals as designed are likely provide a decent living environment and encourage interaction and sociability between the occupiers. However, with few comparable examples to draw upon, it is difficult to know whether the scheme will be successful in achieving the desired sense of a shared living community and the management of the scheme will therefore be critical. The currently submitted co-living management plan is a reasonable framework but<sup>1</sup> should be built upon to include more information about the functions that the management service will undertake to try and encourage interaction between the occupiers. This can be secured by condition.

### *Residential amenity conclusions*

The proposals provide an acceptable level of residential amenity for the potential occupiers and do not have a significantly detrimental impact upon the amenities of adjoining occupiers. The proposals therefore comply with policy D6 of the Placemaking Plan.

## 8. HIGHWAYS AND PARKING

### *Vehicle Parking*

The Council's Parking Standards are set out within schedule 2 of policy ST7. The site falls within the Bath Outer Zone, but there are no proscribed standards for the proposed co-living use. The parking need for this development therefore needs to be assessed on the merits of the scheme and its location because there are no specific parking standards for this land use.

The Highways Officer considers that the parking requirement is likely to fall somewhere between C3 residential and C2 student accommodation (zero car parking) given the nature of the use.

The site is proposed to have 2 car parking spaces: one disabled bay and one car club Bay. The application documents give examples of other sites with similar accommodation and no car parking; however, each location is different, and these examples may not be directly comparable to this site. The lack of parking controls to the west of this site may mean that residents are tempted to bring a car and park it on-street.

In mitigation of any potential over-flow parking on the highway the applicant is proposing to monitor the impact of the development on parking in nearby streets with a Parking Management Plan and a programme of monitoring (for 5 years) to support this. Occupiers of the development should be ineligible for resident parking permits as well as visitors parking permits.

The Highways Officer has requested a contribution towards the extension of the residents parking zone to the west. However, whilst there are plans for a consultation later this year about extending the resident's parking zone, the outcome of those consultations cannot yet be known. Without certainty or control over whether a RPZ will be introduced in this location it is not possible to secure this contribution as it would fail to meet the CIL regulation 122 tests (e.g. necessary to make the development acceptable).

In addition, the Transport Statement proposes that the car-free nature of the development will be upheld by a clause in the tenancy agreement restricting residents from bringing a car to the site and parking in the surrounding area. This is similar to the approach adopted for many purpose-built student accommodation developments. More detail is however required to ensure that this is an effective and enforceable measure, and this could be set out in the Parking Management Plan which could be secured by condition.

The provision of a car club bay is welcomed, and the applicant has proposed that the developer will support the operation of the car club for 1 year, providing 1 on-site electric vehicle and each resident would be provided with a 1-year membership to the Car Club and £50 drive time. Given the five year period that Travel Plans usually operate and in order to establish sustainable travel behaviour, it would be sought that the developer commit to the car club being in place for at least the first three years of the development and this can be secured through a S106 agreement.

The on-site car club vehicle will be accessible to the general public and residents of the development will have access to other 18 vehicles run by the operator in Bath. An electric vehicle charging point will be provided for both the car club space and the disabled space.



A framework travel plan has also been submitted to encourage a shift to more sustainable modes of transport. This has been reviewed by the Highways Officer and is considered acceptable subject to securing a full Travel Plan by condition or legal agreement.

Based on the above, the Highways Officer has raised no objection. It is therefore considered that the proposed level of parking for parking for this co-living development is acceptable and that the likelihood of any overspill car parking can be effectively mitigated through the measures that can be secured by condition and/or legal agreement. The proposal therefore complies with policy ST7 of the Placemaking Plan.

### *Cycle Parking*

There is no specific cycle parking standard for co-living residential development within policy ST7 and so it must be assessed on its own merits.

It is proposed to provide 155 secure, covered cycle parking spaces on site, which equates to one space per unit. This provision falls below the 2 spaces per unit standard for C3 residential accommodation, but above the standard of 1 cycle per 3 residents for student accommodation. Because the proposed units are small one-bed units, 2 spaces per unit is excessive. Equally, the provision 1 cycle per 3 residents is too low because the occupiers will be full time, permanent residents. The proposed quantum of 1 cycle parking space per resident is appropriate as it falls between these two standards.

The layout of the cycle parking has been detailed including provision for electric charging points for e-bikes and 5 Sheffield stands (10 spaces) to enable larger bicycles to park. In addition, 6 visitor cycle spaces are proposed at the front of the site.

The level of cycle parking for the BTR and PBSA elements complies policy ST7 and is therefore considered acceptable.

### *Access*

The A36, east of Fieldings Road to Churchill Bridge, is a safeguarded road as shown on the Policies Map. This route is safeguarded to provide for future improvements to bus priority, cycle and pedestrian facilities, and public realm enhancements.

The two existing vehicular accesses onto Lower Bristol Road are proposed to be modified to allow servicing and emergency vehicles to enter and exit the site in a forward gear. The revised Transport Assessment shows that the swept path for a large refuse vehicle as well as a large car and Light Goods Vehicle can be accommodated. The access is located at the eastern side of the site's northern frontage, and the exit point is located to the west of the site's northern frontage. This one-way system is considered acceptable by the Highways Officer and can be secured by condition.

Further details of how vehicle access to the forecourt area will be controlled are required. Given that no general-purpose car parking is provided this space would be required for deliveries, taxis, trades etc. This matter can be controlled by condition and it is proposed

that a parking and servicing management plan should be agreed prior to occupation of the site.

A Stage 1 Road Safety Audit has been completed on the proposed access arrangement and no problems were found.

Concerns were originally raised about the width of the access route along the east side of the building from the highway to the rear cycle store. However, the proposed route has been revised to allow at least 1.2m width for residents to manoeuvre their bikes along the east side of the building and this is now considered acceptable.

### *Traffic impact / Junction Capacity*

The submitted Transport Assessment provides further estimates on predicted trip generation and mode share for the number of person trips associated with the proposed development including delivery trip generations.

The existing commercial use of the site would generate approximately 107 daily two way vehicle movements. Applying the 2011 census mode share to the trip predictions for the development suggest that 148 daily two-way trips vehicle trips would be associated with development if there were no constraints on vehicle use and no improvements to sustainable transport.

The development is proposed to be 'car-free', therefore it is expected that additional trips generated by development will primarily be via walking, cycling and public transport. Vehicle traffic will be confined to servicing, deliveries, taxis and visitors. The site is projected to generate an additional 27 pedestrian trips in the am peak hour: 6 bus trips; 4 train trips; and 3 cycle trips. The site is projected to generate a total of 26 delivery/servicing vehicle trips daily with the majority being light goods vehicles.

Given that there is no on-site car parking except 1no. space for disabled parking and a car club, any vehicle trips would be to and from surrounding areas, either on-street or to public or private car parks. These trips would therefore be dispersed and unlikely to have a significant effect on any one point of the highway network.

Highway officers accept that overall, there will be a reduction in vehicle trips as a result of the development. The transport assessment does acknowledge that the development will increase movements by sustainable modes of travel and the principle of providing walking, cycling and public transport improvements to mitigate the development (discussed below) is accepted.

### *Pedestrians, cyclists and public transport*

Policy ST1 of the Placemaking Plan seeks the delivery of well-connected places which are accessible by sustainable means of transport and requires, inter alia, the provision and enhancement of facilities for pedestrians, cyclists and the mobility impaired and the improvement and provision of new public transport facilities.

In seeking to address these matters the application offers to provide the following

1. Provision of dropped kerbs and tactile paving between Caledonian Road and Dorset Street (western side of carriageway);
2. Provision of dropped kerbs and tactile paving at the Stuart Place junction on Caledonian Road;
3. Provision of tactile paving on Victoria Bridge Road at its junction with Lower Bristol Road;
4. Provision of tactile paving on Victoria Road at its junction with Brougham Hayes;
5. Provision of tactile paving on Livingstone Road at its junction with Brougham Hayes; and
6. Provision of tactile paving on Stanley Road West at its junction with Livingstone Road.

The Highways Officer has confirmed that they are satisfied that the package of improvements to walking, cycling and public infrastructure is acceptable and commensurate with the scale of the development. It is considered that these proposals meet the requirements of policy ST1. These matters can be secured through a combination of planning obligations and conditions.

#### *Refuse/Recycling*

A waste management plan has been submitted and reviewed by the Highways Officer. Some revisions were made to the scheme to ensure separate provision for the commercial and residential waste and the relocation of the residential bin store to allow for collection from the road rather than from within in the site. Following these changes there is no objection to the proposed refuse/recycling facilities.

#### *Construction Management Plan*

The site is surrounded by residential properties and located on a busy main route into Bath. A construction management plan would therefore be required to mitigate any impacts upon residential amenity and highways safety during the development. The submitted Construction Traffic Management Plan provides a good framework to manage the impacts of development, but further changes and updates are required by the Highways Officer. These matters could be secured by condition.

#### *Highways conclusions*

There is no objection to the proposed development on highways grounds, subject to planning obligations and conditions discussed above. The proposal is therefore considered to comply with policy ST7 of the Placemaking Plan.

## 9. ECOLOGY

An ecological impact assessment has been submitted and reviewed by the Council's Ecologist. The site comprises mostly hardstanding and buildings which have negligible

potential to support roosting bats and very low potential to support nesting birds. There are very occasional scattered trees around site boundaries. The Marl Brook runs alongside the western boundary, comprising a short open section between two culverts. There is a narrow corridor of scrub including non-native species such as buddleia, Norway maple and Japanese knotweed. This section of the Brook has very limited potential to support protected or notable species.

A series of operational waterbodies within the site does not have potential to support great crested newt, but a precautionary approach should still be applied when these features are drained. Protection and pollution prevention measures for the adjacent Brook will need to be considered as this eventually connects to the River Avon Site of Nature Conservation Interest 320m to the north. Measures to minimise pollution during operation of the site (e.g. fencing and defensive planting) will also need to be detailed.

The closest component unit of Bath and Bradford-on-Avon Bats Special Area of Conservation ("SAC") is 2.8km from the site. The proposals do not appear to meet Natural England's SSSI Impact Risk Zone criteria. There is no credible risk of indirect impacts on the SAC as the Brook and associated habitat corridor is culverted to the north and south, as well as being in an urban and well-lit area. A Habitats Regulations Assessment is not required in this instance. A sensitive external lighting scheme would be welcomed in accordance with Bath and North East Somerset Placemaking Plan Policy D8 and best practice guidance including Bats and Artificial Lighting in the UK (ILP, 2018).

Avoidance measures for nesting birds will be required during any habitat clearance and building demolition, as advised by the ecological consultants. An eradication strategy for Japanese knotweed will also be required. Detailed methodology can be secured by a condition for a Wildlife Protection and Enhancement Scheme.

All schemes should achieve measurable biodiversity net gain to meet the NPPF (paragraphs 174, 179, and 180), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for example Policies D5e and NE3) and emerging government policy. This is also supported by the recent appeal decision APP/F0114/W/19/3243930 for application 19/01596/FUL and Ecological Emergency declaration by Bath and North East Somerset Council. The ecology impact assessment confirms that the proposals will achieve measurable biodiversity net gain and this is welcomed. Submission of the Defra metric calculator would have been useful but was not essential in this case as it is clear that the extent of biodiverse habitats will be increased. The provision of at least 12 bird boxes and 4 bat boxes is supported. A detailed specification and location plan will need to be secured by condition (swift boxes would be particularly welcomed). The inclusion of green roofs in the design is strongly supported by the Council's ecologist. The western boundary planting and habitat creation will need to be carefully designed in consultation with an ecologist with native and beneficial species included throughout. Details of habitat management to benefit wildlife will need to be provided. This should include some longer grass margins during the flowering season from April to late-July/August. These matters can be secured as part of a Landscape and Ecological Management Plan condition.

Any Construction Management Plan will also need to be consistent with ecological recommendations and requirements e.g. pollution prevention measures.

It is considered that there is no ecological objection to the proposed development, and it will provide measurable biodiversity net gain. The proposals therefore accord with policies NE1, NE3, NE5 and D5(e).

## 10. TREES AND WOODLAND

An arboricultural Impact Assessment (Crown Tree Consultancy dated 1st September 2020) has been submitted in support of the application. This identifies seven trees and one tree group around the boundaries of the site of which 2No are categorised as grade B of moderate quality and the remainder are categorised as grade C of low quality.

The assessment states that all trees within the site are to be retained (paragraph 4.2.1) and that that the overhanging foliage of a group of self-sown shrubs and young trees on the western boundary of the site (G2) would be trimmed back.

The Council' Arboriculturalist is also satisfied with the protection measures set out in the submitted Arboricultural Method Statement and Tree Protection Plans would provide adequate protection for the trees that would be retained. Subject to relevant conditions securing these matters, the proposals are considered not to conflict with policy NE6.

## 11. PARKS AND GREEN SPACE

Policy LCR6 states that where new development generates a need for additional recreational open space and facilities which cannot be met on-site or by existing provision, the developer will be required to either provide for, or to contribute to the provision of accessible sport and recreational open space and/or facilities to meet the need arising from the new development in accordance with the standards set out in the Green Space Strategy, and Planning Obligations SPD or successor documents

Onsite public open greenspace isn't proposed within the application and no evidence has been provided to suggest greenspace will be provided on the adjacent future development site, therefore the development is reliant on existing off-site provision for the recreational needs of the residents.

The development site is within the vicinity of the Waterspace River Park / River Line project. It is considered that the green space demands generated from the development can be met through a S106 payment to this project to make the development acceptable in planning terms in compliance with policy LCR6

The Parks and Open Spaces has calculated the total contribution amount required in line with the Green Space Strategy and based upon the potential occupancy of the proposed development to be £299,595 (capital cost and 10years maintenance). This would need to be secured by a s106 legal agreement and has been agreed by the applicant.

The scheme is therefore considered to comply with policy LCR6 of the Placemaking Plan and policy CP13 of the Core Strategy.

## 12. FLOOD RISK

The majority of the site falls within flood zone 2 with only a few areas falling within flood zone 1. The proposed co-living and co-working uses are classified as 'more vulnerable' and 'less vulnerable' respectively in the Flood risk vulnerability classification table within the NPPG. The proposed development therefore has to pass the sequential test, but in accordance with the flood risk vulnerability and flood zone compatibility table in the NPPG (table 3) there is no requirement to pass the exception test.

### *Sequential test*

Paragraph 158 of the NPPF states that "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."

Evidence to support a sequential test has been submitted with the application. The area of search is the City of Bath which is considered to be acceptable and consistent with policy B1 of the Core Strategy. The submitted sequential test evidence has demonstrated that there are no appropriate or reasonable available alternative sites for the proposed development in a lower risk zone within the area of search. The sequential test is therefore passed.

### *Flood Risk Assessment*

A detailed Flood Risk Assessment has been submitted with the application. This has been reviewed by the Environment Agency who have raised no objection to the proposals, subject to conditions. It is therefore considered that the proposals will be safe for their lifetime and will not increase the risk of flooding elsewhere.

## 13. DRAINAGE

The existing site is currently served by an existing surface water and foul sewer network which runs immediately to the north of the site within the Lower Bristol Road. A strategic public foul sewer is shown immediately to the north of the site, running in a westerly direction beneath Lower Bristol Road. While a smaller separate public foul sewer is shown immediately north-east of the site. This sewer appears to collect flows from the neighbouring properties, before conveying flows away to the east of the site.

The submitted drainage report identified that approximately half of the surface water runoff from the existing buildings and hardstanding areas discharges via a private combined sewer that runs along the eastern region of the site. This private sewer conveys flows to the north before discharging into the existing Wessex Water foul sewer network located beneath Lower Bristol Road. The remainder of the surface water runoff from the site is discharged directly to the onsite watercourse (Marl Brook).

A new foul water drainage network will be required to service the proposed development. The new network will collect and convey foul water discharge from the new building to a point of connection on the existing public foul sewer network. The proposed strategy aims

to improve the current drainage situation by ensuring that surface water and foul flows are drained independently. This is welcomed.

The drainage strategy proposes to discharge all surface water flows to the watercourse within the site at a restricted rate to provide a betterment over the existing pre-development brownfield flows.

The Drainage and Flood Risk team have reviewed the submitted strategy, whilst they have no objection in principle, they have requested some further details relating to discharge rates and downstream capacity of the watercourse. These details have been provided and it is expected that the Drainage and Flood Risk team will provide further comments which will be reported in the update report. These matters will also need to be secured by condition.

#### 14. CONTAMINATED LAND

The site is identified as a site of potential concern in relation to contaminated land due to the history of potentially contaminative uses. A ground conditions assessment report has been submitted with the application and has been reviewed by the Council's Contaminated Land Officer.

The initial ground conditions survey report concludes the following:

"Based on the limited GIworks undertaken to date, the contamination potential of the site is considered to be moderate. Further GI works and reporting will be required following demolition, including sampling and testing of soil and groundwater, and further gas monitoring. Limited remediation works are considered likely at this stage."

No objection to the proposals has been raised by the Council's Contaminated Land Officer or Environment Agency, subject to conditions requiring further investigation, remediation (if necessary) and verification.

#### 15. AIR QUALITY

The site falls within the Bath AQMA and an Air Quality Assessment has been submitted with the application. This has been reviewed by the Council's Environmental Monitoring Team who considers that the effects of the proposed construction and demolition are not significant and can be appropriately mitigated. Measures to mitigate the effects of the demolition and construction dust shown in the air quality assessment should therefore be included in any construction management plan.

The air quality report shows that the future residents of the site will not be likely to be exposed to pollutant concentrations above the Government's air quality objectives. Due to the low number of potential trips to the site the impact on nearby residents is negligible.

The proposal is therefore considered not to give rise to unacceptable polluting emissions and would comply with policy PCS3 of the Placemaking Plan.

## 16. SUSTAINABLE CONSTRUCTION AND CLIMATE EMERGENCY

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

A detailed energy strategy and completed sustainable construction checklist have been submitted with the application. Both have been reviewed by the Council's independently appointed sustainability assessor who has raised no objection to the proposals.

The submitted Sustainable Construction Checklist indicates that the proposals will provide a 35% improvement in carbon emissions for the proposed residential co-living development

The checklist and energy strategy set out several measures that will help to achieve these reductions whilst also meeting the other aspects of sustainable design and construction listed in policy CP2. These include (non-exhaustive list) the following:

- o Solar PV renewable energy
- o Communal heating/hot water network
- o Air source heat pumps
- o Energy efficient heating/lighting/ventilation
- o Passive design measures including improved building fabric

The proposals are therefore considered to comply with policies CP2, SCR1 and SCR5 of the Core Strategy and Placemaking Plan.

As mentioned in the Highways section above, the proposals will also include ample cycle parking and a car club space which are all considered to contribute to addressing the climate emergency.

Placemaking Plan Policy CP4 (District Heating) states that the use of combined heat and power (CHP), and/or combined cooling, heat and power (CCHP) and district heating will be encouraged within a 'District Heating Priority Area' (DHPA). The application site falls within Bath Riverside DHPA and in such locations the policy requires development to firstly incorporate the necessary infrastructure for district heating and secondly connect to existing systems where and when this is available, unless it can be demonstrated that this would render development unviable. There is not currently a district heat or energy network that the site can connect to, however the energy strategy has been developed to allow connection the proposed Enterprise Area network, if it becomes available during the lifetime of the development.

It is not clear if and when the Enterprise Zone heat network will become available, but it is important that when/if it does, the development connects to it to ensure ultimate compliance with Policy CP4. It is recommended therefore that should permission be granted provision be made in the S106 Agreement to secure this future connection.



## 17. PUBLIC BENEFITS

The application proposals would deliver several public benefits which are primarily set out in the submitted planning statement, but also summarised below.

### *Housing*

The proposed development would create 155 co-living dwellings which would contribute towards meeting housing need within Bath as expressed through policies DW1 and B1 of the Core Strategy. This would be a reasonable contribution towards meeting the Council's overall housing target. However, this is tempered slightly by the fact that the Council can currently demonstrate a 5-year land supply and that any shortfall in housing supply over the plan period will be addressed through the Local Plan Partial Update.

The application also includes the provision of 31 affordable dwellings offered at a discount to the open market rent and a contribution towards the provision of affordable housing off-site (£49,000). The provision of this quantum of affordable housing (and off-site contribution) within a single brownfield development is given significant weight.

### *Economic benefits*

The application proposals would bring about some economic benefits. It would generate a construction jobs for the duration of the build and provide opportunities for targeted recruitment and training (see planning obligations section below). It would also introduce an additional population of 155 people who will contribute towards the local economy through spending, etc. The provision of a new co-working area which will be accessible to the public is also an economic benefit. It would have a flexible layout and could be of interest to local small start-up businesses.

However, these economic benefits must also be seen in the context of the economic harm identified from the loss of the industrial floorspace resulting from the proposed development. The identified economic benefits of the scheme are small scale relative to the economic harm identified from the loss of industrial floorspace. These benefits are therefore only afforded limited weight.

### *Redevelopment of brownfield site and sustainable location*

The proposals would regenerate and redevelop an existing brownfield site. In accordance with paragraph 118 of the NPPF, it is acknowledged that substantial weight should be given to the value of using suitable brownfield land within settlements for new homes and other identified needs.

The site is also located in a broadly sustainable location with good proximity to the city centre and range of services and transport options. Whilst this weighs in favour of the application, it is a site specific, rather than proposal specific, public benefit.

Although, some areas have been identified where the design of the scheme could have been improved, the proposals would also introduce a building of an appropriate design which will result in some enhancement of the public realm and the streetscape.

### *Walking and cycling infrastructure*

The application providers for highways works that for improved walking and cycling infrastructure in the surrounding area. Although primarily required to mitigate the impacts of the development, these would have the benefit of providing upgraded infrastructure which can also be utilised by non-residents.

### *Sustainability, climate change and biodiversity*

The proposals would provide exceed the 35% reduction in carbon emissions target set out in policy CP2, would provide on-site renewable energy generation in line with the Placemaking Plan. It would also provide a funded car club space, an electric charging point and a travel plan (with travel vouchers provided to residents) which would be aimed at encouraging a modal shift to more sustainable forms of transportation other than the private car.

The proposals also provide landscape and ecological enhancements; significantly increasing the amount of greening on the site and providing biodiversity net gain through the provision of green roofs, bird boxes, re-naturalising of the watercourse and an appropriate landscaping scheme.

## 18. OTHER MATTERS

### *s106 Agreement*

Any grant of planning permission would need to be subject to a s106 agreement to secure the following obligations and contributions:

1. Highways Works
  - a. Provision of dropped kerbs and tactile paving between Caledonian Road and Dorset Street (western side of carriageway);
  - b. Provision of dropped kerbs and tactile paving at the Stuart Place junction on Caledonian Road;
  - c. Provision of tactile paving on Victoria Bridge Road at its junction with Lower Bristol Road;
  - d. Provision of tactile paving on Victoria Road at its junction with Brougham Hayes;
  - e. Provision of tactile paving on Livingstone Road at its junction with Brougham Hayes; and
  - f. Provision of tactile paving on Stanley Road West at its junction with Livingstone Road.
2. Parks and green space contribution £299,595
3. Targeted recruitment and training obligations and contribution £6,545

4. 20% affordable housing (Discount market rent at 80% the level of open market rent;)
5. Connection to district heat network (Future proofing)
6. Provision of a car club space and travel vouchers (£38,750)
7. Provision of a travel plan monitoring and audit fee (£5,335)
8. Parking monitoring for 5 years (£10,000)
9. Operational mechanisms (tenancy controls)

### *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 for co-living are targeted at young professionals and graduates and would likely introduce a large population of young people into the area. 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 blocks 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 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.

## 19. PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".

It is necessary to consider whether the proposals are consistent with the development plan as a whole.

Many of the matters in favour of the proposals align with aspects of the spatial strategy for Bath (as expressed in B1), for example by enabling the development of new homes in the Enterprise Zone (B1.3.a.), providing improvements to walking, cycling and public transport (B1.10.a) and preserving the historic environment and environmental quality (policies CP6 and B4).

However, the loss of the employment land represents a very significant conflict (in terms of nature and degree) with the strategic objectives and issues highlighted in the Core Strategy, including failing to maintain an appropriate supply of land in Bath for industrial processes to ensure the city retains a mixed economy (strategic objective 3), failing to achieve economic diversification and a better balance between the overall number of jobs in the city and resident workforce to reduce out commuting (B1.4), failing to allow

industrial enterprise to compete in the land market to sustain a mixed employment offer for a multi-skilled workforce (Bath, strategic issue 4) and failing to support jobs growth in the city (DW1. The proposal therefore not only conflicts with the detailed development management policy ED2B, but also runs counter to the strategic objectives of the development plan.

It is considered that the current proposals, due to the nature and degree of the identified conflicts, are contrary to the development plan as a whole and that material considerations do not indicate that permission should be granted.

## 20. CONCLUSION

The proposals would result in the loss of industrial floorspace for which there are strong economic reasons for it to be retained. Whilst the existing premises represents relatively low-quality stock, there is clearly very strong demand for industrial premises in Bath. The applicant's evidence that the site is not suitable or viable is based upon assumptions which are untested due to their failure to market the premises.

The proposals would therefore contribute towards the excessive loss of industrial premises in Bath which threatens the ability of the Council to meet the economic development objectives of the Core Strategy in terms of maintaining a mixed economy, reducing out commuting and jobs growth. The proposals are therefore contrary to policy ED2B of the Placemaking Plan and would be harmful to the economic development objectives of the policies DW1 and B1 of the Core Strategy.

The proposal is therefore considered to be contrary to the development plan and material considerations, in this case, do not indicate that the planning permission should be granted.

The application is therefore recommended for refusal.

## **RECOMMENDATION**

REFUSE

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

### **1 Loss of industrial floorspace**

There are strong economic reasons why the loss of the existing industrial floorspace would be inappropriate. The proposed development would contribute towards an excessive loss of industrial premises and would be harmful to the economic development objectives for Bath. Evidence of unsuccessful marketing on reasonable terms for 12months has not been provided to demonstrate that there is not a strong economic reason for refusal. The proposal is therefore contrary to the development plan, in particular policies ED2B of the Placemaking Plan and policies DW1 and B1 of the Core Strategy.

## **PLANS LIST:**

1 0531      SECTIONS D-D E-E F-F G-G

0530 SECTIONS A-A B-B C-C  
0332 PROPOSED ELEVATIONS 03  
0331 PROPOSED ELEVATIONS 02  
0330 PROPOSED ELEVATIONS 01  
032 PROPOSED BLOCK PLAN  
0234 PLAN - ROOF  
0233 PLAN - LEVEL 3  
0232 PLAN - LEVEL 2  
0231 PLAN - LEVEL 1  
0230\_B PLAN - LEVEL 0  
0137 EXISTING ANCILLARY BUILDING SURVEY  
0136 EXISTING BUILDING ELEVATIONS SECTIONS  
0135 EXISTING MAIN BUILDING PLANS  
0130 EXISTING SITE PLAN  
0031 SITE LOCATION PLAN

### **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. The Council has worked positively and proactively with the applicant to seek to resolve the issues identified. However, for the reasons given, and expanded upon in a related case officer's report, no agreeable solution could be found, and the application has been recommended for refusal.

### **2 Community Infrastructure Levy**

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

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Planning Committee</b>
<b>MEETING DATE:</b>	<b>22nd September 2021</b>
<b>RESPONSIBLE OFFICER:</b>	Simon de Beer – Head of Planning
<b>TITLE:</b>	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

**BACKGROUND PAPERS**

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

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

**The following notes are for information only:-**

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

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

## INDEX

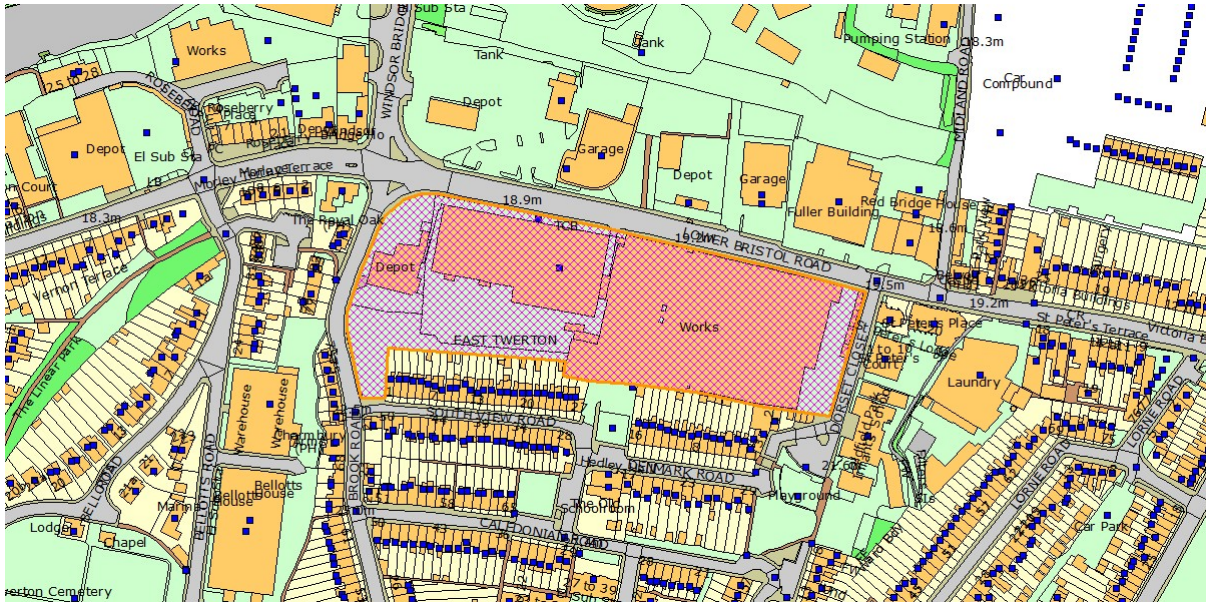
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	20/04760/EFUL 24 September 2021	Aberdeen Standard Investments Former Bath Press Premises, Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset Development of the site to provide a residential-led mixed-use development, comprising 286 residential units (Use Class C3) and provision of commercial floor space at ground floor level (Use Class E), demolition of existing chimney, provision of three substations, together with associated infrastructure, landscaping, plant equipment, car and cycle parking, and access.	Westmoreland	Chris Griggs-Trevarthen	REFUSE
02	21/01588/FUL 24 September 2021	Freemantle Capital Partners (Hollow) Ltd Field Between City Farm And Cotswold View, The Hollow, Southdown, Bath, Bath And North East Somerset Erection of 9 dwellings with associated access, parking, drainage, landscaping and ecological mitigation.	Twerton	Chris Griggs-Trevarthen	PERMIT
03	21/03281/FUL 24 September 2021	Conrad Energy (Developments) II Limited Land South Of Unit 18, Midsomer Enterprise Park, Midsomer Norton, Bath And North East Somerset, Erection of storage containers, support infrastructure and security fence for Battery Energy Storage facility.	Midsomer Norton North	Hayden Foster	PERMIT
04	21/02980/LBA 23 September 2021	Topping & Company Booksellers Limited Friends Meeting House, York Street, City Centre, Bath, Bath And North East Somerset External alterations for the installation of 4no. hand painted timber signs fixed onto side and front elevations (Resubmission).	Kingsmead	Caroline Waldron	REFUSE



05	21/02981/AR 23 September 2021	Topping & Company Booksellers Limited Friends Meeting House, York Street, City Centre, Bath, Bath And North East Somerset External alterations for the installation of 4no. hand painted timber signs fixed onto side and front elevations (Resubmission).	Kingsmead	Caroline Waldron	REFUSE
06	21/02883/FUL 19 August 2021	The Urban Reno Company Hunters Quest, Iford Close, Saltford, Bristol, Bath And North East Somerset Demolition of existing bungalow and erection of 2no semi detached houses/garages and 1no flat with associated parking, landscaping and widened access.	Saltford	Samantha Mason	REFUSE

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

**Item No:** 01  
**Application No:** 20/04760/EFUL  
**Site Location:** Former Bath Press Premises Lower Bristol Road Westmoreland Bath Bath And North East Somerset



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

**Ward Members:** Councillor Colin Blackburn Councillor June Player

**Application Type:** Full Application with an EIA attached

**Proposal:** Development of the site to provide a residential-led mixed-use development, comprising 286 residential units (Use Class C3) and provision of commercial floor space at ground floor level (Use Class E), demolition of existing chimney, provision of three substations, together with associated infrastructure, landscaping, plant equipment, car and cycle parking, and access.

**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, SSSI - Impact Risk Zones,

**Applicant:** Aberdeen Standard Investments

**Expiry Date:** 24th September 2021

**Case Officer:** Chris Griggs-Trevarthen

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

## REPORT

### REASONS FOR REPORTING TO COMMITTEE

The application is subject to a viability assessment in respect of affordable housing and in accordance with the scheme of delegation is being reported to the Planning Committee.

### DESCRIPTION

The application site is situated on the corner of Lower Bristol Road and Brook Road in Bath. It is roughly rectangular in shape and is approximately 2.21 hectares in size. The former industrial buildings which occupied the site have now been demolished and it currently comprises mounds of rubble alongside the retained Bath Press façade along the Lower Bristol Road frontage.

The site is allocated for residential development under policy SB9 (The Bath Press). It falls within the City of Bath World Heritage Site but is not within a conservation area and does not contain any statutory listed buildings, structures or scheduled monuments. The Bath Press façade is a Locally Important Building and the site is within the setting of grade II listed buildings at 30,31 and 32 Lower Bristol Road to the north east. It is identified as a site of potential concern in respect of contaminated land and falls within the Bath Air Quality Management Area ("AQMA"). The site is predominantly within Flood Zone 1 but a small part of the north of the site is within Flood Zone 2. It is also identified as a priority area for district heating.

The site benefits from an extant planning permission for the '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' (LPA ref. 15/02162/EFUL). This permission has been implemented as demolition work has begun on site and a CIL payment was made upon commencement.

The proposed development represents a revised version of the above consented scheme in effect, with the principal changes being an increase in the number of homes, provision of Build To Rent ("BTR") housing product rather than Open Market Housing ("OMH"), omission of the underground car park, flexible commercial units and increased cycle parking provision.

The proposal therefore includes the following:

1. 256 BTR flats and 30 Town houses
  - a. 135 one-beds (47%)
  - b. 101 two-beds (36%)
  - c. 31 three-beds (11%)
  - d. 19 four beds (6%)
2. 950 sqm (NIA) of commercial floor space
3. 125 Car parking spaces
  - a. 0.38 per dwelling

4. 596 cycle parking spaces

## **PLANNING HISTORY**

12/01999/EFUL - Refused - 17 January 2013 - Mixed-use redevelopment comprising 6,300sqm of retail (Class A1), 4,580sqm of creative work space (Class B1), 2,610sqm of offices (Class B1), 220sqm of community space (class D1/D2), 10 residential houses, basement car park, landscape and access (including realignment of Brook Road)

15/02162/EFUL - PERMIT - 13 September 2016 - 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.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

This application has been determined in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Given the scale and nature of the proposed development and having regard to its location within a World Heritage Site, the application has been submitted with an Environmental Impact Assessment.

An Environmental Statement describing and assessing the direct and indirect significant effects of the proposed development has been submitted with this application and includes chapters on matters of transport and access, noise and vibration, air quality, daylight, sunlight and overshadowing, biodiversity, cultural heritage, surface water drainage and flood risk, ground conditions/contamination, climate change and greenhouse gases.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

PARKS AND GREEN SPACES: No objection, subject to contribution

ENVIRONMENTAL PROTECTION: No objection, subject to conditions

ENVIRONMENTAL MONITORING: No objection

ECOLOGY: Scope for revision

The following information is requested:

1. Confirmation that demolition of the buildings has proceeded in accordance with previous commitments in relation to ecological law, particularly in relation to nesting birds.
2. Amendment to light fitting EL5 in the south-west corner is requested to maintain a continuous dark (<1-2 lux) corridor.

Otherwise, the amended landscape plans, ecological clarifications and commitment to habitat boxes are acceptable, subject to conditions.

#### HOUSING: Objection

This application triggers Policy CP9 thus requiring an affordable housing contribution at 30%. However, Housing acknowledge that the applicant has submitted a viability suggesting a zero (0%) affordable housing contribution.

#### HIGHWAYS: Objection

In summary, the Highways Officer remains concerned by the shortfall in the proposed number of off-street, car parking spaces and reiterate that, should the application be determined at this time, would raise an objection on highway ground given that the proposed off-street, car parking provision is contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan (2017).

#### ECONOMIC DEVELOPMENT: Objection

Economic development object to the under provision of office floorspace within the development and indicate that this is contrary to the development requirements of the allocation policy SB9 which requires a minimum of 1,500 sqm(GIA). They also indicate how this is contrary to the objectives of policy B1 of the Core Strategy to 'expand the knowledge intensive and creative employment sectors' and the Council's declaration of a Climate Emergency which supports the creation of liveable 15-minute neighbourhoods.

They consider that the provision of communal space within the BTR element is not an acceptable substitute for the required office floorspace.

They consider that no viable evidence has been provided by the applicant which justifies the lack of provision.

#### PLANNING POLICY: Objection

Policy B1 2b and 2c plans for the expansion of knowledge intensive and creative employment sectors by enabling the stock of office premises to increase from about 173,000sqm in 2011 to about 213,000sqm in 2029 and achieve the net additional increase to the stock of office premises of 40,000 sqm.

It is helpful to set out the monitoring information against this policy net increase. There has been a significant net loss in office floorspace in Bath and the AMR (March 2020) shows a net loss of 17,559 sqm (Table 1). Reviewing the site allocations through the Placemaking Plan and planning permissions granted to date, it is expected that office space will increase by 54,350 sqm. This includes 1,500sqm at the Bath Press Site) (Table 2).

This loss and new provision results in a projected net increase of 36,791 sqm. Notwithstanding the modern office floorspace which is in the pipeline and there will be a shortage meeting the net increase of 40,000 sqm within the Plan period. There is a need for a greater supply and range of different types of accommodation to suit different types

of operator/operations. Therefore, the reduced floor space proposed is considered contrary to Policy B1 and SB9.

CONSERVATION OFFICER: Scope for revision

The proposals are for amendments to the existing approval (ref:15/02162EFUL). For the most part, the amendments do not have implications for heritage and the setting of heritage assets. However, it is noted that the historic chimney associated with the former Bath Press industrial works is proposed for demolition.

The chimney was identified by the Council as possessing significance and a key element, along with the retained front classical façade, of the character and identity of the site and its former industrial use.

On this basis, its retention and repair were specifically and intentionally negotiated as part of the approved development that was granted by the Council. This view and position have not changed and therefore the demolition of the chimney should be omitted from the current application and remain as an incorporated historic structure within the proposed new development.

DRAINAGE AND FLOOD RISK: Scope for revision

The Drainage and Flood Risk team require confirmation from Wessex Water regarding acceptance of the proposed surface water discharge rates and points of connection.

ENVIRONMENT AGENCY: No objection, subject to conditions

AVON AND SOMERSET POLICE: No objections

HISTORIC ENGLAND: Comments

They note that emphasis was also given to the importance of the existing chimney on the site that provides a visual marker for the original Bath Press and therefore plays a wider role within the understanding and visual presence of Bath's industrial heritage. Officers should be mindful of any attempts to water down the gains made through the negotiations in. In particular, those relating to the roof-scape along Lower Bristol Road, and the demolition of the surviving chimney, which should be avoided unless robustly justified.

COUNCILLOR JUNE PLAYER: Objection

Councillor Player objects to the application of several grounds including:

The lack of affordable housing. It is noted that the previous scheme provided 16% affordable housing and Cllr. Player considers that all costs involved should be worked out before purchase to ensure that the site can meet its policy obligations. Lower affordable housing contributions on other sites does not justify this to be the case for this development.

There is a lack of on-site parking is highlighted with only 115 spaces against a requirement of 385 spaces. Parking Stress surveys for Westmoreland (March 2020) show that the ward is heavily affected by a lack of parking provision and there will be no available parking for new developments. The offer to contribute towards a Residents Parking Zone demonstrates that the developer has concerns about the few parking spaces provided.

This proposal is also contrary to Planning Policy D6 (Amenity) as the shortage of on-site parking will impact so negatively on the residential amenities of any would-be occupants and those of the existing residents both nearby and further afield as people trying to park will have a knock-on effect as they vie for the already short numbers of them.

Considering the number of occupants-to-be in the BTR units, the landscaping is considered to be far from appropriate as there is nowhere near enough open space for residents to go to, especially private space. Having roof gardens is always a worry due to safety in using them and their attractiveness to gulls especially for nesting purposes

Westmoreland Ward is known to already have a shortfall with its Allotment provision as well as its green open spaces and it cannot be accepted that funding is given to improve locations that are some distance away and even out of the Ward. Residents of the Ward want and need the benefits that these spaces offer on their doorsteps. There is just too much dense development going on especially along this section of the Lower Bristol Road which suffers with all the traffic that uses it as well.

The front of this site except for the landmark façade section should not be built right up to the edge of the pavement and should be stepped back to allow for appropriate number of trees and plantings to make it more attractive for pedestrians as well as residents in the units that face the Lower Bristol Road.

Councillor Player also has concerns about the demolition of the chimney of the former Bath Press describing it as a landmark.

#### BATH PRESERVATION TRUST: Objection

Bath Preservation Trust identify the history and significant of the retained chimney on the Bath Press façade. The chimney is dated to 1919 and therefore features as part of the earlier historic fabric of the building, distinct from the 1925-1929 façade extension to the south-west corner. Furthermore, the Heritage Statement highlights this as a "historically sensitive [element] of special architectural or historic interest" and an "integral and valuable [part] of the heritage asset and [is] extremely sensitive to change" along with other distinguishing features such as the dual porticoed access points. The chimney is noted as having a "landmark presence in the streetscape" due to its scale, form, and public visibility from along Lower Bristol Road

The Trust are concerned that the loss of the chimney has not be justified or appropriate balanced against the scale of any harm or loss.

They are also concerned to see that no affordable housing would be provided within the proposal and regret the loss of the pedestrian access to the south towards Oldfield Park Station.

In its current form, this application proposes unjustified and unbalanced harm to a non-designated heritage asset, unmitigated harm to local distinctiveness, and harm to the appearance and character of the indicative townscape setting of the conservation area, along the primary approach into the conservation area contrary to Section 16 of the NPPF and Policies B1, BD1, CP6, D1, D2, CP9, and HE1 of the Core Strategy and Placemaking Plan. They strongly recommend that the chimney is retained and integrated within the scheme as part of the façade.

**THIRD PARTIES/NEIGHBOURS:** There have been 52 OBJECTION comments from third parties. The main issues raised were:

Some of the comments received recognised that the site needs to be developed and that they welcomed its regeneration but took issue with the scheme as proposed.

Many considered the scheme to be overdeveloped and suggesting that the quantum of development was too much for the site. Others criticised the excessive height, density, scale and massing of the proposals. Several were concerned that it would impact upon the World Heritage Site.

Many also commented on the lack of on-site parking provision and highlighted parking issues in the surrounding residential streets where there is no Residents Parking Zone. It was considered that the lack of on-site parking would lead to overspill parking in surrounding streets to the detriment of highways safety and residential amenity. Several comments thought that the reliance on modal shift to cycling was unrealistic.

Several comments were concerned that the proposals would lead to an increase in traffic in an already busy area and that this, along with the new access onto Lower Bristol Road, would cause highways safety issues.

Neighbours to the south of the site, particularly along South View Road and Denmark Road, were concerned that the proposals would result in overlooking of their properties due to the proximity and size of buildings proposed. There was also concern that the proposed roof gardens would lead to further loss of privacy. Some of these comments also raised concerns about the proposals for the southern boundary wall suggesting that the plans were unclear and proposals to reduce its height would undermine their security and also affect their access.

Some comments were concerned about the mix of housing proposed. It was suggested that there was no need for BTR dwellings and that the abundance of BTR accommodation would impact upon the existing community through the introduction of a transient population.

Many comments criticised the lack of affordable housing provision within the scheme. There was concern that developers were making a profit at the expense of providing affordable housing.



There was a suggestion that there was no need for the proposed commercial units and that Bath was already full of empty shops and units.

Many were concerned about the loss of the Former Bath Press chimney which was described as being a local landmark and holding historical importance.

There were criticisms of the design. In particular, comments suggested that there was a lack of amenity space, green space and soft landscaping within the scheme. There was a suggestion that the proposals needed to use suitable materials.

There were concerns that the proposals would lead to additional noise and air pollution.

A total of 17 SUPPORT comments have been received. The main points raised were:

Several comments suggested that the proposals will tidy up what is currently a barren building site. The existing site is described as an eyesore. Others commented to say that the sooner it is developed the better. One comment suggested the proposals were beautiful.

It was suggested that the proposals will create jobs and provide new homes in Bath which are needed.

It was suggested that more affordable rented accommodation is needed in Bath.

The retention of the Bath Press façade was described as positive.

Amongst those offering general support for the proposals there were some concerns about insufficient parking, access onto Lower Bristol Road and the excessive provision of cycle parking.

A total of 7 GENERAL comments have been received. The main points raised were:

There was interest in the proposals to include an 'Art corner' which could include a memorial to Sir Isaac Pitman.

There is a lack of details and clarity as to the proposals for the south boundary wall and concern about the creation of a no mans land in between the proposals and existing residents.

Concern about the height of the buildings closest to South View Road and Denmark Road resulting in loss of light and privacy.

Concerns about inadequate levels of parking for the number of proposed homes. Suggested that the parking should be included in the rent rather than as an additional optional cost.

It is suggested that there needs to be permanent public access to the green spaces.

Concern about the access onto Lower Bristol Road near a major junction.

Query how the designs of the site will fit with nearby existing and proposed sites.

## **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)

## **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
- SD1 Presumption in favour of Sustainable Development
- B1 Bath Spatial Strategy
- B4 Bath World Heritage Site
- B5 Strategic Policy for Bath's Universities
- CP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP9 Affordable Housing
- CP10 Housing Mix
- CP13 Infrastructure Provision

## **PLACEMAKING PLAN**

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

- SB9 Bath Press
- SCR1 On-site Renewable Energy Requirement
- SCR2 Roof-mounted/Building-integrated Scale Solar PV
- SCR5 Water Efficiency
- SU1 Sustainable Drainage
- BD1 Bath Design Policy
- D1 General Urban Design Principles
- D2 Local Character and Distinctiveness
- D3 Urban Fabric

D4 Streets and Spaces  
D5 Building Design  
D6 Amenity  
D8 Lighting  
D9 Advertisements and Outdoor Street Furniture  
HE1 Historic Environment  
NE1 Development and Green Infrastructure  
NE2 Conserving and Enhancing Landscape and Landscape Character  
NE2A Landscape Setting of Settlements  
NE3 Sites, Species and Habitats  
NE6 Trees and Woodland Conservation  
PCS1 Pollution and Nuisance  
PCS2 Noise and Vibration  
PCS3 Air Quality  
PCS5 Contamination  
PCS7A Foul Sewage Infrastructure  
H7 Housing Accessibility  
LCR7B Broadband  
LCR9 Increasing the Provision of Local Food Growing  
ST1 Promoting Sustainable Travel  
ST2 Sustainable Transport Routes  
ST7 Transport Requirements for Managing Development

## **SUPPLEMENTARY PLANNING DOCUMENTS**

Bath Western Riverside SPD (2008)  
City of Bath World Heritage Site Setting SPD (2013)  
Sustainable Construction Checklist SPD (2018)  
Planning Obligations SPD (2019)

## **ADDITIONAL GUIDANCE**

Bath City Wide Character Appraisal (2005)  
Strategic Flood Risk Assessment (SFRA) of Bath and North East Somerset (2009)  
Bath Building Heights Strategy (2010)  
Green Infrastructure Strategy (2013)  
West of England Sustainable Drainage Developer Guide (2015)  
Draft Conservation Area Appraisal for the Brassmill, Locksbrook & Western Riverside Character Area (November 2015)  
Bath Air Quality Action Plan (2016)  
The City of Bath World Heritage Site Management Plan 2016 - 2022  
Waterspace Design Guidance (2018)  
Parking Strategy for B&NES (2018)

## **NATIONAL POLICY AND GUIDANCE**

The National Planning Policy Framework ("NPPF") and National Planning Practice Guidance ("NPPG") are significant material considerations. The following paragraphs and sections are of particular relevance:

8 - 12 Achieving sustainable development and the presumption in favour of sustainable development

55 - 58	Planning conditions and obligations
81	Supporting economic growth
92	Achieving healthy, inclusive and safe places
98	Access to networks of high quality open spaces
107	Setting parking standards
119 - 120	Making effective use of land
124 - 125	Achieving appropriate densities
123 - 132	Creation of high quality buildings and places
134	Refusing poor design
157	Decentralised energy and minimising energy consumption
162 - 168	Planning and flood risk
174	Conservation and enhancing the natural environment
180	Habitats and biodiversity
183 - 187	Ground conditions and pollution
189	Significance of heritage assets
194 - 197	Proposals affecting heritage assets
199 - 208	Heritage assets and public benefits

## **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**

The main issues to consider are:

1. Environmental Statement
2. Principle of development
3. Housing mix
4. Design
5. Highways
6. Sustainable construction

7. Residential amenity
8. Flood Risk
9. Affordable Housing
10. Parks and open spaces
11. Ecology
12. Contaminated Land
13. Drainage
14. Archaeology
15. Public benefits
16. Other matters
17. Planning balance
18. Conclusion

## 1. ENVIRONMENTAL STATEMENT

Given the likely significant effects on the environment of the proposed development an Environmental Statement (ES) has been submitted with the application. The ES sets out the findings of the assessment of environmental effects, and measures to mitigate those impacts where appropriate.

The EIA Regulations state that the Council cannot grant planning permission in respect of an EIA application unless it has first taken the environmental information into consideration and must state in its decision that it has done so. The environmental information means the ES, any further or other information received, any representations made by any consultation bodies and any representations made by any other person about the environmental effects of the proposed development.

The assessment of environmental effects and proposed mitigation form an integral part of the consideration of the proposed development set out in this report. To avoid repetition the findings of the ES are reported below as part of the assessment of the planning issues, together with responses to consultations and other representations received.

## 2. PRINCIPLE OF DEVELOPMENT

The site is allocated under policy SB9 of the Placemaking Plan (PMP). The policy contains 11 Development Requirements and Design Principles which will need to be achieved. This will be considered within this overall assessment.

The first Development Requirement attached to Policy SB9 explains that the development should deliver a mixed-use development comprised of employment (minimum 1,500 sqm (GIA) of office floor space) and residential development (of at least 200 flats), potentially complemented by opportunities within the leisure sectors.

The development includes 256 flats and 30 town houses. Whilst this exceeds the 200 flats figure within the policy, this is not a cap and therefore the residential element of the development can be supported in principle. However, it must be considered as to whether this number can be accommodated on site whilst ensuring the overall scheme complies with the Development Plan.

The scheme proposes 1,455sqm (GEA) of commercial floor space located on the ground floor of Blocks B, C and D on the western side of the site, which, when fitted out, will result in approximately 950sqm (NIA) of usable floorspace. During the application process the applicant has confirmed their commitment to retain this commercial space to be designated as office space i.e. use class E(g). However, the 950sqm falls below the requirements of Policy SB9 which expects a minimum of 1500 sqm of GIA to be delivered.

The Planning Statement explains that in lieu of the 550sqm of office space not being provided, communal amenity space is proposed as per the specification of the Build to Rent (BTR) operator. Limited information has been provided as to how this space will be used, and whilst it is recognised that BTR developments place a greater emphasis on residents utilising communal amenity spaces, this is not considered to outweigh the harm identified through the under provision of the employment space available to the wider community.

To further justify the under provision, the submission includes a report prepared by Carter Jonas which looks at the supply and demand of office space within the city. Additional evidence from Savills has also been provided. The evidence from Carter Jonas concludes that there is a lack of demand in the outer areas such as this, and illustrates sites coming forward within the City Centre will absorb any demand. It further explains that the economic landscape relating to town centres and their uses has changed significantly since the Placemaking Plan was adopted which has led to the Government facilitating flexibility in commercial uses through expanding permitted development rights.

As noted above, the allocation policy is clear in its requirements. Policy B1 Bath Spatial Strategy plans for an overall net increase in jobs of 7,000, rising from 60,200 in 2011 to 67,200 in 2029, with significant gains in business services tempering losses in defence and manufacturing. It further plans for the expansion of knowledge intensive and creative employment sectors by enabling the stock of office premises to increase from about 173,000 sqm in 2011 to about 213,000 sqm in 2029

There has been a significant net loss in office floorspace in Bath and the AMR (March 2020) shows a net loss of 17,559 sqm. Reviewing the site allocations through the Placemaking Plan and planning permissions granted to date, it is expected that office space will increase by 54,350 sqm. This includes 1,500sqm at the Bath Press Site.

This loss and new provision results in a projected net increase of 36,791 sqm. Notwithstanding the modern office floorspace which is in the pipeline, there will be a shortage meeting the net increase of 40,000 sqm within the Plan period. There is a need for a greater supply and range of different types of accommodation to suit different types of operator/operations. The applicant's figures within the submission are noted, but look at the total floor space granted permission and including permission as Pinesgate which is no longer extant.

It should be noted that significant weight was given to the provision of the office use (then within the B1 Use Class) in the extant permission. At the time, the scheme resulted in the loss of lawful B2 use, and the B1 use partly offset this harm. For this reason, the S106 included obligations to, as far as possible, ensure that the B1 use was provided. This was through several measures but included the submission of an Employment and Marketing

Strategy with a requirement for the marketing of the B1 use for 24 months from the date of shell and core completion.

Based on the assessment above, the under provision of office space is not supported and is considered contrary to Policy B1 and SB9.

### 3. HOUSING MIX

Core Strategy Policy CP10 explains that new housing development should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location. The development comprises 1,2 and 3 bedroom flats, and 3 and 4 bedroom houses. The development is primarily Build to Rent but also includes a smaller proportion of open market dwellings.

Some concern has been raised about the over concentration of BTR schemes in this area. Whilst there is clearly a cluster of BTR tenure coming forward in this particular location, when viewed in a wider spatial context, the amount of BTR accommodation within the BWR SPD area, or the enterprise area more generally, is a very small proportion of the overall housing stock. When considered in this context the provision of BTR accommodation can be seen to be adding to the mix and variety of housing types in the area.

Overall, the development is considered to put forward an acceptable housing mix and complies with policy CP10.

### 4. DESIGN

The site was cleared under the extant consent and currently contains mounds of rubble. The frontage of the former building remains and this facade is to be retained and incorporated into the scheme.

The submission explains that the design principles of the development remain largely the same as the consented scheme, with the built envelope and building heights fundamentally unchanged. However, officers are of the view that there are some significant changes to the scheme, some of which are considered to result in a development of inferior and unacceptable design quality.

Whilst retaining the front facade, the current scheme proposes the removal of the Bath stone boiler chimney. This is not supported as it is considered to be a key element of the non-designated heritage asset. It is noted that the original scheme arranged the buildings to be recessed around the chimney to frame this feature. It is important to note that point 2 of policy SB9 highlights the need to retain the 1920s facade and the historically important elements of the building in recognition of their value as a local asset. The chimney is considered to be a historically important element of this asset. The Twentieth Century Society have previously stated that the chimney is one of the most important features of the building providing important vertical interest to contrast with the long front elevation.

The applicant's own Heritage Statement recognises that the Bath stone boiler chimney is an important element of the façade as a feature of architectural and historic interest which provides evidence as to the former use of the site. The chimney, due to its scale and form has somewhat of a landmark presence in the streetscape. The Heritage Statement recognises that the loss of the chimney will result in harm to the significance of the non-designated heritage. However, it notes that the removal of the chimney will not entirely vitiate the significance of the structure given the remaining elements of the façade which are to be retained as part of the site's redevelopment as per the consented scheme.

Policy HE1 explains that applications affecting the significance of any heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation. To comply with this policy, any harm to the significance of a designated or non-designated heritage asset must be justified. In this case, it is not considered that the loss of the chimney has been justified.

Paragraph 203 of the NPPF advises

*"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

The overall harm to the non-designated heritage asset will be considered in the Planning Balance section of this report.

There have been minimal changes to the overall scale and massing of the buildings when compared to the extant scheme. The buildings which are set behind the frontage have increased in height by 180mm but this still allows them to sit comfortably behind the retained frontage, and the increase in height will have limited impact when the buildings are viewed from Lower Bristol Road or from wider views. The sawtooth roofs on block G which sits behind the facade have also been rationalised. Whilst this removes articulation from the roof which aided in breaking up the roofslope, they now align with the roof form of the neighbouring blocks. It is not considered this amendment will have an impact upon how the buildings are perceived from Lower Bristol Road, or have an undue impact from wider views.

The Bath Buildings Height Strategy states that building heights of four storeys with an additional set back storey within the roofscape can be acceptable within the Valley Floor, but this should be modified in close proximity to 2-3 storey residential areas or in response to heritage assets, residential amenity and to prevent intrusion in views. The scheme proposes four storey buildings located along the Lower Bristol Road frontage with a further four storey block fronting Brook Road. The three five storey blocks are set back from the Lower Bristol Road frontage so that they are positioned more within the central part of the site and the top floor is designed in the style of a mansard roof. Three storey units are situated close to the southern boundary of the site and fronting Dorset Close. The positioning and scale of these buildings is considered to comply with Council guidance and relate well to the scale of the surrounding buildings.



With regard to preventing intrusion in views across the site it must be acknowledged that for residents immediately adjoining the site, particularly to the south, the views they currently have will be interrupted. However, as one moves southwards and with the ground gradually rising the interruption of any view becomes less and from many viewpoints around the City the development will integrate into the townscape and will not be seen as overly dominant. From the north of the City Centre, any views of the site will have the large scale development of Bath Western Riverside within its foreground and it should also be noted that land immediately opposite the site on the north side of Lower Bristol Road is also likely to be developed. From higher ground to the south again there will not be harm to views across the site and from this direction the articulation of the proposed roofscape and the different levels of the proposed development within the application site help integrate the development within these views.

The roof form of Block P which accommodates the town houses facing Dorset Close have also been amended to pitched roofs with a central ridge. This continues a degree of articulation in the roofs and the general roof form is considered to be acceptable.

Block K has been amended from 4 town houses bookended by apartment blocks to solely apartments. The design of this block has been rationalised to facilitate this type of accommodation. The staggered elevation design and pitched roof has been replaced by a flush elevation and flat roof. The redesign of this part of the scheme has also resulted in the elevation which fronts the new street being the back of the buildings as opposed to the frontage/entrances to the townhouses. The front garden areas have also been removed with the buildings now set closer to the pavement edge.

Concern was raised that the changes to block K created a building with limited articulation, which provides limited active frontage to the street and lacking in overall interest and detail. The applicant has submitted revised plans which show amendments to block K to include the provision of front doors with individual access paths to the ground floor apartments, the addition of new rainwater downpipes and new glazed entrance doors highlighted with a concrete portal surround. The result of these changes is more successfully articulate the elevation and to give the appearance that better addresses the typology of terrace houses which are found nearby in Oldfield Park. The front doors introduce activity to the street and create a better separation of public and private space. The changes also help to visually break up the massing of the block, albeit not as successfully as the previous approved scheme of townhouses.

The facing materials will mainly comprise Bath Stone or buff brick. When compared to the extant scheme, there has been a significant increase in the use of brick primarily within the central and inwardly facing elevations. However, given the historic use of the site which contained brick industrial buildings, this is considered to be acceptable. Elevations which front Dorset Close and Brook Road utilise Bath Stone, which aids in integrating the development with the surrounding built form.

The proposed layout of the development allows for some an improvement to the 'permeability' of the site by creating pedestrian access and potential cycle routes which cross the site in an east-west direction. The previously consented proposal provided a north-south pedestrian link that would join the area between Denmark Road and South View Road to the south of the site with Lower Bristol Road to the north. This link is also indicated the concept diagram accompanying the allocation policy SB9. This link is not

proposed within the current application which instead proposes an internal road link along the southern boundary with the area previously proposed for the link covered by a substation and a cycle store. This represents a significant missed opportunity to integrate the scheme into the surrounding neighbourhoods and would be contrary to policy SB9(7) which requires the development to provide new streets and spaces through the site that improve pedestrian and cycling connections to Oldfield Park Railway Station, Moorland Road District Centre, and Victoria Park for neighbouring residential communities.

The removal of basement parking has resulted in the need for increased surface parking. Revised plans have been submitted during the application process to overcome concerns with the dominance of parking/access roads within the scheme. The opportunities for landscaping within the site are limited, but given the improvements gained during the application process, and the fact that this is an urban context, on balance this is considered to be acceptable.

## 5. HIGHWAYS

### *Parking*

The consented scheme included a basement car park located under blocks G-M, with an access ramp from the southern boundary road off Brook Road. This is no longer provided within the proposed scheme, with all car parking provided at ground level. The scheme proposes the following car parking provision:

30 spaces allocated to the proposed 30 open market houses; and

80 spaces allocated to the proposed 259 build-to-rent flats at a ratio of 0.31 spaces per unit.

5 spaces allocated to the commercial space

The proposed development requires the provision of a minimum of 513 off-street, car parking spaces for the residential element of the scheme to accord with the requirements of the authority adopted parking standards in policy ST7. This comprises:

135 x one-bed @ 1 space per unit = 135 spaces;

101 x two-bed @ 2 spaces per unit = 202 spaces;

31 x three-bed @ 2 spaces per unit = 62 spaces;

19 x four-bed @ 3 spaces per unit = 57 spaces; and

Visitor parking @ 0.2 space per unit = 57 spaces.

The Transport Statement ("TS") includes a completed 'Accessibility Assessment' for the residential element of the scheme which scores 55 placing it in the high accessibility category, allowing officers to apply a discount of between 25% and 50% to the required number of off-street, car parking spaces. Applying the maximum permitted discount of 50% reduces the minimum number of residential spaces to 257, significantly more than the 125 to be provided.

Officers undertook a review of the score allocated to each criterion which reduced the overall score to 46, placing the site within the moderate accessibility category, permitting officers to apply a discount of between 10% and 25%. Applying the maximum permitted

discount reduces the minimum number of residential spaces to 385, again significantly more than the 125 proposed by the applicant.

Officers note that the proposed commercial floorspace requires the provision of a maximum of 5 off-street, car parking spaces. The TS explains that visitor parking has not been included in order to discourage the use of the private car as a means of accessing the site. Officers consider that it is highly likely that visitors to the site who do arrive by private car will seek parking opportunities in the surrounding residential streets, where existing on-street parking stock is limited and existing demand is known to be high.

The applicant puts significant weight on a possible future Resident Permit Zone ("RPZ"), as future occupiers will not be eligible for permits. However, the Traffic Management team have confirmed that presently there is no firm timescale with regards to whether a RRZ will be implemented, and there can be no certainty over its delivery. Officers therefore do not consider that a financial contribution to the RPZ is appropriate mitigation to overcome the significant shortfall in spaces.

Another factor is the range of measures which the proposed development would be providing to improve the accessibility of the development and increase the opportunities for modal shift away from private motor vehicles.

1. Provision of 596 secure cycle spaces for residential and commercial uses;
2. Provision of 2 car club spaces with free memberships for the first year of occupancy;
3. Appointment of a Travel Plan Co-ordinator to implement the approved Travel Plan;
4. Provision of a Travel Pack for new residents setting out nearby walking/cycling routes, public transport, and other related information;
5. Setting up of a new / encouraging membership of an existing Bicycle User Group for residents.
6. Encouragement of car-sharing amongst residents; and
7. Provision of electric vehicle charging points.
8. A commitment to improve walking/cycling infrastructure close to the site to enhance sustainable connectivity.

The TS also explains that BTR accommodation is expected to show a much lower car ownership than typical residential developments. However, whilst examples have been provided, there are not considered to be directly comparable or to justify the levels of parking put forward with current application.

Officers remain concerned that future occupiers may be reluctant to pay the monthly charge for renting a car parking space within the site, on top of their monthly rent, choosing instead to seek parking opportunities on the surrounding residential streets. Given the current shortfall in the proposed number of off-street, car parking spaces, officers are concerned that the proposed development will result in an increase in on-street, car parking activities in the vicinity of the application site which will affect highway safety and/or residential amenity.

A recent decision by planning committee to resolve to permit the planning application at the Dick Lovett site immediately to the north of Bath Press is a relevant consideration. This scheme was permitted in spite of a shortfall in parking against the adopted standards.

However, each case must be considered on its own merits and it is noted that reasons given for resolving to grant permission relied upon the fact that the benefits of the scheme outweighed the identified conflict with the parking policy. This will be considered further in the planning balance section below.

### *Cycle Parking*

The proposed development requires the provision of 296 secure, covered cycle stands, providing parking for 592 bicycles. The revised proposals identify 596 cycle parking spaces which meets the required standard.

### *Trips*

The applicant forecasts that the proposed development would generate between 30 and 36 public transport trips during the am peak hour and between 34 and 40 during the pm peak hour; split between rail trips and bus trips as the proximity of the application site to Oldfield Park railway station is likely to lead to an uptake in rail travel. The applicant has demonstrated that, assuming all forecast public transport trips are by bus, an increase in passengers per bus of between 1.25 and 1.66 would result. This is unlikely to create an issue with regards to the operation of the local bus network. On this basis, the applicant is only required to re-provide the A36 Lower Bristol Road bus stop to the front of the application site.

The scheme included the provision of two car club spaces together with two car club vehicles and the applicant had agreed to an annual contribution to fund this provision. This could be secured in any future s106 agreement.

## 6. SUSTAINABLE CONSTRUCTION

The benchmark for demonstrating that energy efficiency has been "maximised" as required by policy CP2 is a 19% reduction in regulated emissions compared to that required by the Building Regulations. 10% of this reduction must be from renewable energy sources (see below) and the remaining 9% may be from other means (such as energy efficiency/building fabric etc.)

Policy SCR1 requires (for developments of 10 or more dwellings or 1000sqm but excluding B2 and B8 uses) a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. The 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions.

The Sustainable Construction Checklist demonstrates compliance with the above policies.

## 7. RESIDENTIAL AMENITY

The application site is located in close proximity to a number of residential properties. 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. Furthermore, 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, privacy, and increased noise and disturbance.

The five storey blocks are considered to be sited sufficiently distant from the houses in Denmark Road and South View Road with few windows facing south, so as not to have an adverse impact on privacy. The previous scheme included three proposed roof gardens between 11 and 15 metres from the southern boundary. These were designed with raised planters set in from the edges of these roof gardens to restrict access to the edge of the garden and to provide screening. This scheme includes a further flat roof area at block K. Whilst this has the potential to increase overlooking, provided the details of these planters are satisfactory and maintained they will prevent the direct overlooking of houses to the south. It is suggested that a planning condition controls the details and future maintenance of these planters.

The three-storey housing and flats situated on the southernmost part of the site are considered to be sited in a satisfactory position but there is the potential for existing residents to the south to having a feeling of being overlooked. However, this overlooking should not be harmful as there is sufficient distance between the existing and proposed dwellings.

The effect of the proposed development on daylight and sunlight on existing buildings to the east and west of the site have been assessed within the submitted application documents. The impact will be minor and therefore in this regard there will be no significant adverse effect on the amenity of adjoining occupiers.

An assessment of the additional traffic and parking associated with the proposed development, see below, has found these issues to be satisfactory and therefore there should be no adverse effect on nearby residents. However, to safeguard both residential amenity and highway safety during the construction period of the development conditions will be attached to a planning permission if it is granted. Conditions will also be attached to safeguard the future residents of the proposed development from traffic noise and potential noise from deliveries to the commercial units. Where necessary mechanical ventilation to the residential units facing Lower Bristol Road will also be provided which will draw air from the rear of the proposed buildings above ground level.

## 8. FLOOD RISK

The site is predominantly within Flood Zone 1 (lowest risk) but a small part of the north of the site where it fronts Lower Bristol Road, particularly the area of the retained façade, is within Flood Zone 2 where there is a slightly higher risk of flooding. However, as the site is allocated for the uses proposed, there is no requirement for the applicant to carry out a sequential test.

The Flood Risk Assessment has been reviewed by the Environment Agency, and they have raised no objections to the development subject to the inclusion of conditions on any planning permission.

## 9. AFFORDABLE HOUSING

The site is situated within an area where policy CP9 requires the provision of 30% affordable housing, subject to viability.

A detailed viability assessment of the scheme has submitted with the application. This has been reviewed by the Council's independently appointed viability experts and is considered to be in accordance with current Planning Practice Guidance.

The assessment concludes that the scheme could not viably afford to delivery any affordable housing on-site. As a result, the scheme proposes no affordable housing, but complies with policy CP9.

## 10. PARKS AND OPEN SPACE

Policy LCR6 states that where new development generates a need for additional recreational open space and facilities which cannot be met on-site or by existing provision, the developer will be required to either provide for, or to contribute to the provision of accessible sport and recreational open space and/or facilities to meet the need arising from the new development in accordance with the standards set out in the Green Space Strategy, and Planning Obligations SPD or successor documents

The proposal provides two areas of amenity greenspace (Brook Gardens 504 sqm and Pitman Yard 740 sqm) totalling 1,244 sqm and 513 sqm of Play Area. The on-site public green space, including the play area will need to be secured by condition/clause for the use by the wider public. However, the development proposal doesn't provide the full range and quantities of public greenspace to meet the demands generated from new residents and is reliant on existing off-site provision for recreational needs of which there is a deficit in the area.

The development site is in the vicinity of two greenspace improvement projects that with funding could meet the remaining demands and make the development acceptable in planning terms and compliant with policy LCR6. The projects are the Waterspace River Park / River Line project and the Brickfields Open Space Improvement Project. The Parks and Open Spaces has calculated the total contribution amount required in line with the Green Space Strategy and based upon the potential occupancy of the proposed development to be £148,050 (capital cost and 10years maintenance).

## 11. ECOLOGY

The site is not sufficiently close to any designated sites for nature conservation for likely impacts to occur. The site has not become notably improved in terms of suitability for foraging or dispersing horseshoe bats linked to the Bath and Bradford-on-Avon Bats

Special Area of Conservation since the previous ecological assessment. Avoidance measures for indirect impacts onto Linear Park SNCI can be secured through a condition for a CEMP.

An ecology report has been submitted with the application and reviewed by the Council's Ecologist who has raised no objection to the proposals and has confirmed that the proposals are likely to achieve biodiversity net gain to meet NPPF and policy NE3 requirements. They have sought a couple of clarifications regarding confirmation of the CEMP being followed during the demolition and a minor amendment to the lighting scheme. These clarifications have been submitted by the applicant and the Ecologist will comment further.

## 12. CONTAMINATED LAND

The previous consent was subject to contaminated land conditions requiring investigation, remediation and verification. Aspects of these conditions have already been discharged in order to enable the demolition of the former factory buildings. However, some aspects remain outstanding, and it would be necessary for further conditions to be applied to any new consent to ensure that the site is properly investigated, remediated and verified prior to any occupation.

## 13. DRAINAGE

A drainage strategy has been submitted with the application. This has been reviewed by the Drainage and Flood Risk team who have no objection to the proposals, subject to confirmation of the acceptance of the discharge rates from Wessex Water (which was received subsequent to their comments) and a condition requiring the detailed drainage design and maintenance to be submitted and approved.

## 14. ARCHAEOLOGY

The previous consent was subject to conditions pertaining to archaeology some of which have already been discharged. However, it is considered that further conditions will still be necessary to ensure any archaeology on the site is properly assessed and preserved.

## 15. PUBLIC BENEFITS

The application proposals would deliver several public benefits which are primarily set out in the submitted planning statement, but also summarised below.

### *Housing*

The proposed development would create 286 dwellings which would contribute towards meeting housing need within Bath as expressed through policies B1 of the Core Strategy and SB8 of the Placemaking Plan. This would be a significant contribution towards meeting the allocation development requirements and the Council's overall housing target.

The proposals are also likely to make a contribution towards the Council's 5-year land supply.

However, the failure to provide any affordable housing as part of the scheme does temper the weight to be afforded to this matter.

#### *Economic benefits*

The application proposals would bring about various economic benefits including the generation of a significant amount of construction jobs for the duration of the construction project and provide opportunities for targeted recruitment and training. Once complete, it would introduce an additional population of economically active residents which would contribute towards the local economy. The site has also already made a significant CIL contribution (via the implementation of the previous consent) which can be used to fund infrastructure and projects in the wider community.

The provision of the commercial floorspace is also beneficial, but the weight to be afforded to this matter is tempered by the failure to meet the minimum requirements of the allocation policy.

#### *Regeneration of underutilised site and sustainable location*

The site has been either derelict or vacant for several years, with the previously approved scheme stalling due to challenging viability issues even in a significantly more stable economic climate

Paragraph 120 sets out that planning decisions should: give substantial weight to the value of using suitable brownfield land within settlements for development needs; promote and support the development of under-utilised land and buildings; and support opportunities to use the airspace above existing residential and commercial premises for new homes. It is therefore acknowledged that substantial weight should be given to the value of using this suitable brownfield land for new homes and other identified needs.

The site is also located in a broadly sustainable location with good proximity to the city centre and range of services and transport options

#### *Pedestrian and cycle improvements*

The scheme proposes to provide several pedestrian and cycle improvements within the vicinity of the site. The provision of improved facilities for walking, cycling and public transport, although primarily required to mitigate the impacts of the development, would have the benefit of providing upgraded infrastructure which can also be utilised by non-residents.

## 16. OTHER MATTERS

#### *Planning obligations*



Any grant of planning permission would need to be subject to a s106 agreement to secure the following obligations and contributions:

1. Highways works
  - a. Pedestrian and cycle improvements at the Lower Bristol Road / Windsor Bridge Road junction
  - b. Pedestrian and cycle improvements at the Midland Road pedestrian crossing
  - c. Pedestrian and cycle improvements and a bus stop along the site frontage (Lower Bristol Road)
  - d. Improved street lighting along the site boundaries on Lower Bristol Road, Dorset Close and Brook Road
2. Two car club vehicles
3. Commitment to implementing a Travel Plan
4. Cycle purchase vouchers
5. Parks and green space contribution
6. Fire Hydrant contribution
7. Targeted recruitment and training obligations and contribution
8. Connection of district heat network (if available)

### *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.

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 population being introduced to the area. 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.

## 17. PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".

The proposed development results in a number of conflicts with the adopted development plan.

It directly conflicts with the development requirements of the allocation policy SB9 by not providing a minimum of 1,500 sqm (GIA) of office floorspace. This also brings it into conflict with objectives of policy B1 of the Core Strategy to increase jobs in the district and 'expand the knowledge intensive and creative employment sectors.'

The proposal further conflicts with the requirements of the allocation policy in proposing the loss of historically important elements of the 1920s factory façade, namely the chimney which has been identified as holding significance. It has not been considered as an integral part of the urban design response and its loss would detract from the character and appearance of the street scene contrary to policies HE1 and D2.

The failure to provide a north-south connection through the site into the adjoining neighbourhood connection represents a significant missed opportunity and would fail to adequately connect the development into existing routes through the adjoining residential areas. It diminishes the permeability of the scheme and is contrary the requirements of the allocation policy SB9(7) and the urban grain policy D3 of the Placemaking Plan.

In addition to the above, the proposal would have a significant deficit of on-site parking spaces against the parking standards in policy ST7. This will very likely lead to overspill parking on the surrounding streets which have limited parking controls and where on-street parking stock is limited and existing demand is known to be high. The proposals would therefore also be in conflict with the spatial strategy's requirement to implement the adopted parking strategy in Bath (Policy B1.10.c).

Considerations in favour of the application (full list in public benefits section above) include:

- o Provision of 286 dwellings which contribute towards meeting housing targets
- o Provision of 950 sqm of commercial floorspace
- o Contribution towards 5-year land supply
- o Economic benefits associated with the construction and operational phases of development
- o Regeneration and redevelopment of a derelict site
- o The site's sustainable location
- o Improved facilities for walking and cycling

Whilst many of these matters align with aspects of the spatial strategy for Bath, when read as a whole, it is considered that the current proposals are contrary to the development plan and that material considerations do not indicate that permission should be granted.

## 18. CONCLUSION

The proposal would fail to meet several of the allocation policy requirements by not providing the minimum level of office floorspace and by seeking the demolition of the historically important chimney of the former factory's façade. There is a significant missed opportunity in the failure to provide a suitable north-south link through the development. Furthermore, the proposed development has a substantial shortfall in vehicle parking compared to the minimum parking standards in policy ST7.

Whilst the scheme does bring some benefits these are not considered sufficient to outweigh the identified conflicts and harms.

The proposal is therefore considered to be contrary to the development plan and material considerations, in this case, do not indicate that the planning permission should be granted.

The application is therefore recommended for refusal.

## **RECOMMENDATION**

REFUSE

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

### **1 Insufficient office floorspace**

The proposed development results in the under provision of office space when compared to the quantum required by the allocation. The development would therefore fail to contribute make a sufficient contribution towards the economic objectives of the Development Plan. The development is therefore contrary to the Development Plan, in particular polices B1 and SB9 of the Core Strategy and Placemaking Plan.

### **2 Loss of chimney**

The proposed development would involve in the loss of historically important chimney of the 1920 factory. The proposals would therefore result in harm to the non-designated heritage asset for which no clear and convincing justification exists and would be contrary to the development requirements of the allocation to the detriment of the surrounding area and the development itself. The proposals are therefore contrary to the Development, in particular policies HE1 and SB9.

### **3 Parking**

The proposed development fails to provide an adequate level of off-street parking. Consequently, it would result in an increase in on-street parking in the vicinity of the site and would adversely affect highways safety and residential amenity. As such, the application is contrary to the Development Plan, in particular policies B1 and ST7 of the Core Strategy and Placemaking Plan.

### **4 Lack of connection to south**

The proposed development fails to provide sufficient north-south connections through the site for neighbouring residential communities and fails to adequately connect with existing routes in and through adjoining areas. The development is therefore contrary to the Development Plan, in particular polices D3 and SB9 of the Placemaking Plan.

## **PLANS LIST:**

1 1275-001 P1 Vegetation Removal and Retention Plan  
1275-R002 Illustrative Masterplan  
1275-002 P2 Landscape Masterplan  
1275-003 P2 Landscape GA 1 of 4  
1275-004 P2 Landscape GA 2 of 4  
1275-005 P2 Landscape GA 3 of 4  
1275-006 P2 Landscape GA 4 of 4  
1275-007 P3 Roof Terrace GA  
1275-008 P2 Section and Detail Location Plan

1275-100 P2 Proposed Trees and Services Plan  
 1275-200 P4 Ground Level Planting Plan 1 of 4  
 1275-201 P4 Ground Level Planting Plan 2 of 4  
 1275-202 P4 Ground Level Planting Plan 3 of 4  
 1275-203 P4 Ground Level Planting Plan 4 of 4  
 1275-204 P3 Roof Level Planting Plan  
 1275-400 P2 Typical Detail: Tree Protective Fence  
 1275-401 P2 Typical Detail: Tree Pit Soft  
 1275-402 P2 Typical Detail: Tree Pit Hard  
 1275-403 P2 Typical Detail: Roof Terrace  
 1275-404 P2 Typical Detail: Block Paving  
 1275-405 P2 Typical Detail: Pennant Paving  
 1275-406 P2 Typical Detail: Rubber Crumb Surface  
 1275-407 P2 Typical Detail: Resin Bound Surface  
 1275-408 P2 Typical Detail: Pennant Steps  
 1275-409 P2 Typical Detail: Balustrade and Handrail  
 1275-410 P2 Typical Detail: Stone Wall  
 1275-411 P2 Typical Detail: Brick Wall Front Garden  
 1275-412 P2 - Typical Detail - Brick Wall Back Garden;  
 1275-413 P2 - Typical Detail - Brick Wall Terrace;  
 1275-414 P2 - Typical Detail - Retaining Wall;  
 1275-416 P2 - Typical Detail - Timber Fence;  
 1275-417 P2 - Typical Detail - Roof Terrace Furniture;  
 1275-418 P2 - Typical Detail - Ground Level Furniture;  
 1275-420 P2 - Typical Detail - Litter Bin;  
 1275-421 P2 - Typical Detail - Cycle Stand;  
 1275-422 P2 - Typical Detail - Seating Steps;  
 1275-423 P2 - Typical Detail - Biodiversity Roof;  
 1274-424 P1 - Typical Detail - Tree Pit Rubber Crumb;  
 1274-425 P1 - Typical Detail - Car Parking Bays  
 1274-426 P1 - Typical Detail - Block A - Southern Wall;  
 1274-427 P1 - Typical Detail - Bespoke Paving;  
 1274-424 P1 - Typical Detail - Tree Pit Hard - Lower Bristol Road;  
 1275-500 P2 Landscape Section A-AA;  
 1275-501 P2 Landscape Section B-BB;  
 1275-502 P2 Landscape Section C-CC;  
 1275-503 P2 Landscape Section D-DD.

BP-CDA-SW-00-DR-A-020110\_P6\_WEST BLOCK GROUND FLOOR PLAN  
 BP-CDA-SW-01-DR-A-020111\_P6\_WEST BLOCK FIRST FLOOR PLAN  
 BP-CDA-SW-02-DR-A-020112\_P6\_WEST BLOCK SECOND FLOOR PLAN  
 BP-CDA-SW-03-DR-A-020113\_P6\_WEST BLOCK THIRD FLOOR PLAN  
 BP-CDA-SW-GF-DR-A-020006\_P3\_SITE PLAN GROUND FLOOR  
 BP-CDA-SW-RF-DR-A-020114\_P6\_WEST BLOCK ROOF PLAN  
 BP-CDA-SW-ZZ-DR-A-020005\_P3\_PROPOSED SITE PLAN  
 BP-CDA-SW-ZZ-DR-A-020121\_P2\_SUBSTATION 1  
 BP-CDA-SW-ZZ-DR-A-020122\_P2\_SUBSTATION 2, 3 AND CYCLE STORE  
 BP-CDA-SW-ZZ-DR-A-020201\_P3\_WEST BLOCK SITE SECTIONS A, B, C, D  
 BP-CDA-SW-ZZ-DR-A-020202\_P3\_WEST BLOCK SITE SECTIONS E, F, G  
 BP-CDA-SW-ZZ-DR-A-020203\_P3\_EAST BLOCK SITE SECTIONS H, I, J

BP-CDA-SW-ZZ-DR-A-020204\_P3\_EAST BLOCK SITE SECTIONS K, L, M  
BP-CDA-SW-ZZ-DR-A-020205\_P3\_WEST BLOCK SITE SECTIONS N, O, P  
BP-CDA-SW-ZZ-DR-A-020206\_P3\_WEST BLOCK SITE SECTIONS Q, R, S  
BP-CDA-SW-ZZ-DR-A-020207\_P3\_EAST BLOCK SITE SECTIONS T, U  
BP-CDA-SW-ZZ-DR-A-020208\_P3\_EAST BLOCK SITE SECTIONS V, W  
BP-CDA-SW-ZZ-DR-A-020209\_P3\_EAST BLOCK SITE SECTIONS X, Y  
BP-CDA-SW-ZZ-DR-A-020301\_P2\_WEST BLOCK DETAILED SECTION A BUILDING A  
BP-CDA-SW-ZZ-DR-A-020308\_P2\_EAST BLOCK DETAILED SECTION J-M  
BP-CDA-SW-ZZ-DR-A-020309\_P2\_EAST BLOCK DETAILED SECTION K  
BP-CDA-SW-ZZ-DR-A-020310\_P2\_EAST BLOCK DETAILED SECTION P  
BP-CDA-ZZ-01-DR-A-020116\_P2\_EAST BLOCK FIRST FLOOR PLAN  
BP-CDA-ZZ-02-DR-A-020117\_P2\_EAST BLOCK SECOND FLOOR PLAN  
BP-CDA-ZZ-02-DR-A-020118\_P2\_EAST BLOCK THIRD FLOOR PLAN  
BP-CDA-ZZ-04-DR-A-020119\_P2\_EAST BLOCK FOURTH FLOOR PLAN  
BP-CDA-ZZ-GF-DR-A-020115\_P2\_EAST BLOCK GROUND FLOOR PLAN

## **2 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. The Council has worked positively and proactively with the applicant to seek to resolve the issues identified. However, for the reasons given, and expanded upon in a related case officer's report, no agreeable solution could be found, and the application has been recommended for refusal.

## **3 Community Infrastructure Levy**

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

**Item No:** 02  
**Application No:** 21/01588/FUL  
**Site Location:** Field Between City Farm And Cotswold View The Hollow Southdown Bath Bath And North East Somerset



**Ward:** Twerton                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Tim Ball    Councillor Sarah Moore  
**Application Type:** Full Application  
**Proposal:** Erection of 9 dwellings with associated access, parking, drainage, landscaping and ecological mitigation.  
**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,  
**Applicant:** Freemantle Capital Partners (Hollow) Ltd  
**Expiry Date:** 24th September 2021  
**Case Officer:** Chris Griggs-Trevarthen  
To view the case click on the link [here](#).

## REPORT

### REASONS FOR REPORTING TO COMMITTEE

Councillors Sarah Moore, Paul Crossley, Dine Romero and Jess David have requested that the application be brought before the Development Management Committee if the application is recommended for approval. Their comments are summarised in the representations section below. The chair has decided that the application should be determined by committee for the following reason:

"I have looked at the application and all the related information relating to this site including third party and statutory consultees comments. The application has addressed

the main reason raised by the planning inspector when the appeal was dismissed and the proposal as it now stands has been assessed against relevant planning policies as the report explains. However, I note Ward Councillors' request the application be determined by the planning committee which I support as it would show a consistency of approach to this site."

## DESCRIPTION

The application site comprises a 0.49 hectare field fronting The Hollow. It lies between Cotswold View to the north-east and buildings associated with the Bath City Farm to the south-west. The field slopes steeply down to the north-west, where it adjoins the open pasture fields of the City Farm. A public footpath through the fields runs adjacent to the field's boundary.

The site lies within the boundary of the Bath World Heritage Site and adjacent to the boundary of the Bath CA. It also falls within the boundary of the Twerton Farm Site of Nature Conservation Interest (SNCI), which centres on the City Farm.

The application proposes the erection of 9 houses in 2 terraces on The Hollow frontage. There would be a new vehicular access off The Hollow and a parking area to the rear surrounded by landscaping.

## PLANNING HISTORY

19/00786/FUL

Erection of 9 dwellings with associated access, parking, drainage and landscaping.

Application status - REFUSED - December 2019

Appeal status - DISMISSED - March 2021

15/02807/FUL

Erection of 20no. dwellings and associated works.

Application status - REFUSED - 18 June 2015

Appeal status - DISMISSED - 18 April 2017

14/01245/FUL

Erection of 1.8m high fence (Retrospective)

Application status - REFUSED - 12th May 2014

13/05158/FUL

Erection of 1.8m high fence, with access gate (Retrospective application)

Application status - WITHDRAWN - 21st February 2014

08/00518/FUL

Erection of 30 dwellings with new access road and associated landscaping on land adjacent to The Hollow

Application status - WITHDRAWN - 30th April 2008

## ENVIRONMENTAL IMPACT ASSESSMENT

The Council has adopted a screening opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations and concluded that it does not represent EIA development.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

ARCHAEOLOGY: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions

ARBORICULTURE: No objection, subject to conditions

ECOLOGY: No objection, subject to conditions and legal agreement

HIGHWAYS: No objection, subject to conditions

AVON AND SOMERSET POLICE: Not acceptable in current format

The design proposed lacks natural surveillance, perimeter security and adequate lighting and it is likely that in the face of crime and anti-social behaviour residents will soon choose to park their vehicles in safer places, most likely on the highway.

If possible, consideration should be given to locating parking bays in front (and in view) of the dwellings, in a secure car park at the rear with adequate perimeter fencing, lighting and access controlled gates or in an underground car park or garages.

The perimeter fences shown on the plans for the rear gardens are of sufficient height, but lack lockable gates rendering the rear of the dwellings at risk of being burgled. Gates should be of the same height as the fences.

COUNCILLOR SARAH MOORE (First comment): Objection

The proposed traffic scheme appears to be extremely dangerous; this road has had a number of accidents at this location. The chicanes that are currently there were requested when Cotswold View was built and the distance between them are already greater than ideal. Removing the upper build out and moving it higher up the road will make them ineffective and the build out above the junction with Kelston View is ridiculous. The new build out above Kelston View will be on the brow of the hill where traffic coming up the hill will not be seen clearly until the vehicle coming down the hill has already pulled out around the build out. The traffic has increased considerably on this road since the commencement of the CAZ and this adds to the dangers.

The following planning constraints apply to this land - Agric Land Class 3B, 4, 5, Policy B4 WHS - Boundary, Policy B4 WHS - indicative extent, Policy NE2A Landscape and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks SSSI - Impact Risk Zones, I am concerned that this development will have an impact on each of these policies and more specifically on the wildlife currently living and using this field. Any scale of development on this field cannot provide sufficient mitigation in the surrounding area to out-way to the impact it will have.

Whilst parking bays are proposed behind the houses, Avon and Somerset Police have also raised grave concerns about this from a crime prospective and with the moving of the



build outs and moving the bus stop will mean more on street parking lost that is gained by this application.

As stated in the report from Avon and Somerset Police, I agree that the design has a very large risk of crime. None of the actions the Police suggested with the previous application have been included within this application and therefore the risks still exist.

As this site is an area of potential archaeological interest, a complete survey of the field should have already been carried out to see if this site is suitable to be built on, not rely on the developer to agree to do this after approval has been granted.

COUNCILLOR SARAH MOORE (Second comment): Objection

Despite the developer altering the Highways layout, I am still not in a position to support this application for the following reasons:

1. The Police concern over crime and security have not been addressed in anyway.
2. Although this alteration removes the extremely dangerous build out above Kelston View, it now introduces partial build outs within the current traffic calming, which I believe will be ineffective due to the narrow nature of the design.

I believe these will lead to congestion within the build outs especially at busy times of the day when there are likely to be less vehicles parked.

I would ask that a full highways assessment is carried out based solely on this amendment in its own right and not as an adjustment to the original scheme. I would also request a full road safety assessment is carried out prior to any formal decision being made.

3. The positioning of the proposed build outs will cause access issues into and out of the new access road and Cotswold View, especially for larger vehicles such as fire engines. They are also on the same side of the road, which means priority throughout the entire stretch of road is for uphill traffic which could easily result in gridlock on this area of road.

4. As an authority, we have declared both a climate and ecological emergency and these new plans not only lose part of our green field which forms part of our natural hillside environment but now proposes to remove two healthy long-standing trees, for absolutely no valid reason.

COUNCILLOR DINE ROMERO: Objection

My particular concerns are on road safety, The Hollow is already a dangerous road with many accidents and near misses. The junction with Langdon Road has several recorded incidents including speeding cars ending up almost in the house on the corner.

An additional entrance up from Cotswold View, with new build-outs will add to existing sight line problems for cars exiting Langdon Road.

I have previously shared concerns of the development in one of the few dark skies places in this part of the city, there will clearly be an adverse impact on night time wildlife. The overall ecology of this area will not be improved by the removal of mature trees along the roadside. The loss of these mature trees will not be mitigated by the developers landscaping proposal.

This scheme does not address the loss of a visible green space from across the valley, and so has a negative impact on the WHS as the green setting and the green fingers into the urban parts of the city are fundamental to the city's status.

This land has been subject to several applications as well as inspector hearings all of which have found development here to be unsuitable. I fear that applications will continue until the council gives in.

**COUNCILLOR PAUL CROSSLEY: Comments**

I endorse Cllr. Moore's request for a thorough traffic impact assessment on this application and not just a revamp of the previous one. In my view, the developer should be asked to provide this and to commission an independent company to do the work.

**COUNCILLOR JESS DAVID: Comments**

I would also like to share my concerns about this proposal, given its location in an SNCI, and support the request that Sarah has made for this to go to committee.

**BATH PRESERVATION TRUST: Objection**

We maintain that this application would result in the loss of part of one of Bath's recognised "important hillsides" with resulting detriment to the landscape setting and OUV of the WHS, and the indicative landscape setting of the Twerton village character area of the Bath conservation area. The proposed dwelling design, form, massing, and use of materials neither complement nor contribute to existing townscape character or distinctiveness. Thus, this scheme is contrary to Sections 12, 15, and 16 of the NPPF, and Policies BD1, B1, B4, D1, D2, D3, D5, D7, HE1, NE2, and NE2a of the Core Strategy and Placemaking Plan, and the application should be refused or withdrawn.

**THIRD PARTIES/NEIGHBOURS:** There have been 178 OBJECTION comments from third parties. The main issues raised were:

A majority of the comments consider that the proposals would result in significant harm to highways safety. These concerns relate to introduction of a new access onto The Hollow, the proposed re-positioning of the existing traffic calming measures, the increase in traffic, poor visibility and refuse collections. The comments state that there have been a number of recent accidents on The Hollow and that the proposals will exacerbate the existing situation. It was also suggested that traffic had recently increased on The Hollow since the implementation of the Clean Air Zone in Bath.

There is concern that the proposed development also has insufficient parking provision and will therefore add further pressure to parking in surrounding streets. This would be exacerbated by the fact that occupiers will not use the proposed car park for safety reasons.

Many comments highlighted the concerns of Avon and Somerset Police about the design of the car park and felt that it would encourage crime and anti-social behaviour.

Many of the comments consider that the development would result in the loss of an important open space and green field. Some consider this is unnecessary and that brownfield sites should be developed instead.

The site is described by some comments as being vitally important for wildlife/nature and is identified as a Site of Nature Conservation Interest (SNCI) which plays host to badgers, foxes, owls, bats, butterflies, bees and other wildlife. The comments consider that the development would result in harm to this wildlife through disruption, the loss of habitat and the loss interconnectivity. This was considered to be particularly important in the context of the Climate and Ecological Emergencies declared by the Council. It was considered that the proposed management plans were inadequate and only paid 'lip-service' to ecological concerns. There were also concerns that the land to be used for ecological mitigation/compensation was not in the applicant's control.

Several of the comments consider that construction traffic and access associated with the development is a potential hazard to pedestrian and highways safety.

Some comments are concerned that the proposals will negatively impact upon the Bath City Farm through the loss of green space near to the farm boundary, the loss of views out, noise and disturbance and lack of management of the adjoining land.

Many consider that the site is an important hillside which contributes towards the Outstanding Universal Values of the World Heritage Site. They are concerned that the proposed development would harm important views of this hillside and the Bath skyline. There is concern that the proposals would result in light pollution which would eliminate the 'pool of darkness' that contributes to this character area.

Many also have concerns that the development will have an adverse impact in terms of drainage and surface water run-off. These comments are concerned that the existing sewer in Cotswold View does not have the capacity to accommodate the new development and that any run-off from the development will flow into properties on Cotswold View.

Some residents of Cotswold View are concerned that the proposals will result in a loss of privacy.

A few comments suggested that the proposals would reduce access to green space in this locality and therefore exacerbate existing health inequalities.

There were many concerns about the potential loss of two street trees on The Hollow which would arise as a result of the revised traffic calming scheme.

Comments suggested that the proposals will result in an increase in traffic which will cause congestion, increased pollution and noise disturbance.

There was concern that the proposals represented the first phase of a large planned development and would set a precedent for further erosion of the hillside.

There are several comments about the design of the proposals. It is suggested that the layout, the terrace form and the use of materials are out of keeping with the character of the area which is characterised by post war semi-detached dwellings constructed in Bath stone.

Many comments raised concerns about inaccuracies and omissions in the application form and concerns about the consultation process.

One comment highlighted the need for a legal agreement to secure the proper management of the land.

One comment considered that the use of gas boilers was unsustainable and a missed opportunity.

## **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)

## **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:

- SD1 Presumption in favour of sustainable development
- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B4 The World Heritage Site and its Setting
- CP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP10 Housing mix
- CP13 Infrastructure Provision

## **PLACEMAKING PLAN**

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

- 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
- BD1 Bath Design Policy
- H5 Retention of existing housing stock
- SCR2 Roof mounted/Building-integrated scale solar PV
- SCR5 Water Efficiency
- 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
- NE6 Trees and woodland conservation
- PCS2 Noise and vibration
- PSC5 Contamination
- PCS6 Unstable land
- PCS7A Foul sewage infrastructure
- ST1 Promoting sustainable travel
- ST7 Transport requirements for managing development

## **SUPPLEMENTARY PLANNING DOCUMENTS**

- City of Bath World Heritage Site Setting SPD (2013)
- Sustainable Construction Checklist SPD (2018)
- Planning Obligations SPD (2019)

## **ADDITIONAL GUIDANCE**

- Bath City Wide Character Appraisal (2005)
- Bath Building Heights Strategy (2010)
- West of England Sustainable Drainage Developer Guide (2015)
- The City of Bath World Heritage Site Management Plan 2016 - 2022
- Parking Strategy for B&NES (2018)

## **NATIONAL POLICY AND GUIDANCE**

The National Planning Policy Framework ("NPPF") and National Planning Practice Guidance ("NPPG") are significant material considerations. The following paragraphs and sections are of particular relevance:

8 - 12 Achieving sustainable development and the presumption in favour of sustainable development

55 - 58	Planning conditions and obligations
81 - 83	Supporting economic growth
92	Achieving healthy, inclusive and safe places
107	Setting parking standards
119 - 120	Making effective use of land
123 - 132	Creation of high quality buildings and places
134	Refusing poor design
174	Conservation and enhancing the natural environment
180	Habitats and biodiversity
189	Significance of heritage assets
194 - 197	Proposals affecting heritage assets
199 - 208	Heritage assets and public benefits

## 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. Background
2. Principle of development
3. Landscape
4. Design
5. Highways safety and parking
6. Residential amenity
7. Ecology
8. Trees and woodland
9. Surface water drainage
10. Archaeology
11. Contaminated Land
12. Sustainable construction
13. Other matters
14. Planning balance
15. Conclusion

### 1. BACKGROUND

The planning history of this site is highly relevant to the determination of the current application.

Application 15/02807/FUL for the erection of 20 dwellings on this site was refused by the Council in June 2015. It was subsequently dismissed at appeal in April 2017. At this point, the proposals spread across the whole site and the Inspector concluded the following:

- o The proposal would cause less than substantial harm to the WHS;
- o The proposal would have a neutral impact upon the Conservation Area;
- o The buildings fronting The Hollow make a decent attempt at responding to local character and history, but the larger houses within the site pay no more than lip service to the character of the local surroundings;
- o The ecological mitigation features would be too small, poorly designed and laid out, and would not provide the intended habitat value;
- o The public benefits of the proposal did not outweigh the harm to the WHS.

A revised application (19/00786/FUL) which proposed the erection of 9 dwellings fronting The Hollow was refused against officer recommendation in December 2019 for the following three reasons:

1. Loss of green hillside and harm to the world heritage site;
2. Design of the dwellings, particularly the terrace, being out of keeping with the character of the area;
3. Adverse impact upon the Twerton Farm SNCI and ecology.

The appeal was dismissed in March 2021, but the Inspector's conclusions and reasoning for dismissing the appeal are highly relevant to the current application. It was concluded that:

- o Development would have a very limited impact upon the contribution that the wider hillside makes to the setting of the World Heritage Site and this harm would be outweighed by the public benefits of the scheme.
- o There would be no harm to the character and appearance of the surrounding area.
- o There is sufficient room within the wider field to accommodate suitable measures to compensate for the impact of the development on the biodiversity interest of the SNCI.
- o The success of the ecology mitigation would be dependent on the retention of existing and proposed features, and their ongoing management. These ongoing responsibilities would not be within the control of the appellant, so the condition would not be enforceable.

The appeal was therefore dismissed for the sole reason that the agreed ecological mitigation and compensation measures were not adequately secured.

The current application is a resubmission of the previous appeal proposal with the exception that the red line of the application site has now been enlarged to cover the

adjacent field where the ecological mitigation/compensation proposals are located. There has also been a change to the highways proposals (see Highways section below).

Given the similarities with the previous appeal scheme, clear reasons and justification must be given for any departure from the Inspector's previous reasoning and conclusions where the proposal and the context of the current application remains unchanged from the previous appeal.

## 2. PRINCIPLE OF DEVELOPMENT

Policy B1 of the Core Strategy plans for 7,000 new homes within Bath, with 1,150 of these to be delivered through small scale intensification distributed throughout the existing urban area. Although part of an undeveloped hillside, the site is considered to be part of the existing urban area of Bath. The principle of new residential development in this location is acceptable in accordance with policy B1 of the Core Strategy.

## 3. HERITAGE

### *World Heritage Site*

The City of Bath WHS is a designated heritage asset of the highest significance. The landscape setting of Bath is one of the city's most important assets. The City of Bath WHS Statement of Outstanding Universal Value (OUV) makes it clear that the planned relationship of the built development to its landscape setting was a major factor in the inscription of Bath as a WHS. The WHS Management Plan identifies six headline attributes which express the essential qualities of the OUV. Of these, 'The Green Setting of the City in a Hollow in the Hills' is the attribute of most relevance to this application.

In this respect here are a number of prominent green hillsides within the built-up area of Bath which are vital to the city's landscape setting and character. The Bath WHS Setting SPD identifies the Twerton Farm/Bath City Farm fields as one of these important green hillsides. The City-wide Character Appraisal SPD confirms that this undeveloped area is of city-wide importance, breaking up the Twerton townscape and, at night, appearing as a pool of darkness within the built up area. It makes a major contribution to the character and significance of the WHS as a whole.

Map 5 of the Setting SPD clearly shows that, while the application site is not part of the City Farm holding, it does lie within the area indicated as a green hillside forming a prominent feature in the landscape setting of Bath.

In assessing the impact of the previous appeal proposals upon the World Heritage Site the Inspector concluded:

*"9. The single row of houses proposed under the appeal scheme would extend the existing built edge of development into the undeveloped land to the north of The Hollow. However, the presence of existing housing spreading further northwards on both sides, means that the development would not appear as an uncharacteristic intrusion of development into the open land. The houses in The Hollow, opposite the appeal site, are already visible from the viewpoints to the north. Consequently, the visual impact of the proposed row of opposing houses fronting the road would be barely discernible in the*



wider landscape, particularly in the longer term, as the landscaping to screen the car-parking area matured.

10. At the time of my visit, bright sunshine reflecting from the windows in the surrounding housing demonstrated the importance of the wider green hillside as a pool of darkness within the built-up area at night. Apart from windows in the rear elevations of the houses, the development would not introduce any major sources of lighting onto the hillside. Even taking into account the need to design out crime, a combination of landscaping and a suitable lighting scheme for the car-parking area could ensure that there was no significant impact on the wider night-time landscape. Indeed, the row of houses could act as a screen to wider views of the existing street lighting and traffic headlights in The Hollow. Overall, therefore, the impact of the development on the pool of darkness would be negligible.

11. The development would, therefore, have a very limited impact on the contribution that the wider hillside makes to the setting of the WHS. However, it would result in a small reduction in its overall extent. The Heritage Statement submitted with the application concluded that this would result in a slight to moderate adverse significance of effect on the OUV of the WHS. Consequently, the proposals would result in less than substantial harm to the heritage asset. In view of the small scale of the development, the existing urban influence on this part of the site, and the very limited visual impact, I find that this harm would be at the lowest end of the scale."

In terms of the proposed built form, the proposals are very similar to the previous appeal scheme and there has been no significant change in context which would justify a departure from the Inspector's previous conclusions on this matter. It is therefore considered that the proposals will result in less than substantial harm to the World Heritage Site (at the lowest end of the scale).

In accordance with paragraph 202 of the NPPF, this harm should be weighed against the public benefits of the proposals. This is considered in the planning balance section below.

### *Conservation Area*

The Bath Conservation Area lies to the west of the application. The site therefore falls within the setting of the Conservation Area and has the potential to impact upon it.

Here it is considered that the conclusions of the Inspector dealing with the 2017 appeal (ref: 15/02807/FUL) are relevant. The appeal proposal was for a much larger scheme of 20 dwellings which were spread across all of the site. In that appeal, the Inspector concluded that the proposals would have a 'neutral impact' upon the setting of the Conservation Area.

The current proposal is much smaller than the appeal proposal (being only for 9 dwellings rather than 20) and only proposes new two storey buildings along the site frontage onto The Hollow. It is therefore considered that the current proposals will have an even lesser impact upon the setting of the Conservation Area and will preserve its special character and appearance.

#### 4. DESIGN

With the exception of the open hillside to the northwest, the site is surrounded by fairly tight knit C20 suburban housing development. Cotswold View, immediately to the north-east, comprises a mixture of bungalow and two storey dwellings. The Hollow, from which the site is proposed to be accessed, comprises a row of 2 storey semi-detached properties with a fairly uniform style and building line. Kelston View, to the south east, also comprises a number of two storey semi-detached dwellings with regular spacing.

The application proposes two blocks of two storey traditional dwellings on the frontage of the site facing the Hollow. The terrace form is not widely used throughout the surrounding area, but does have some precedent in the nearby Cotswold View development. Notwithstanding this, the proposals are considered to have regard to the character and quality of the surrounding townscape (fronting The Hollow, two storey scale, human scale design) and broadly reflects the form, pattern and grain of the existing townscape.

The proposed materials comprise a mixture of reconstructed rubble stone walls, vertical timber cladding, powder coated aluminium windows and clay roof tiles. Whilst reconstructed stone is less preferable to a natural material, reconstituted stone is commonly used throughout the surrounding area. Furthermore, its use is limited to the ground floor elevations and the other natural materials (e.g. clay tiles and timber cladding) will make up the majority of the buildings appearance. The proposals also include natural stone walling for the front boundary walls of each property. Final details and specifications of the proposed materials can be secured by condition.

The inclusion of a parking courtyard to the rear of the proposed terraces is less preferable than providing on-plot parking for each of the units as this area is not provided with much natural surveillance and concerns have been raised by Avon and Somerset Police. The provision of on-plot parking presents significant difficulties due to the topography of the slope and would likely require significant additional alterations to the landform. Additionally, locating on-plot parking at the front of the development would result in the street scene appearing car dominated and requiring significant number of additional crossovers which would likely result in an objection on highways safety grounds. In this context, it is considered that the proposed approach to providing parking within a small car parking area to the rear is sensible. A sensitive landscaping and lighting scheme can be secured by condition to ensure that, as far as possible, efforts can be made to design out crime and anti-social behaviour.

In assessing the design of the previous appeal proposals, the Inspector concluded:

*"The development would therefore provide an appropriate response to the site context. It would be in keeping with the general form, scale, and pattern of the immediate built environment, whilst utilising materials that recognise its location on the edge of a large area of greenspace. As a result, there would be no harm to the character and appearance of the surrounding area. Consequently, the proposal would accord with Policies CP6 of the Core Strategy and D2 of the Placemaking Plan, which seek to ensure that the distinctive quality, character and diversity of Bath's environmental assets are protected, and that development contributes positively to local character and distinctiveness."*

There has been no significant change to the proposals from the previous appeal scheme and there has been no significant change in context which would justify a departure from the Inspector's previous conclusions on this matter.

The proposals are therefore considered to have an acceptable design and would not the character or appearance of the area. The application therefore complies with policies D1, D2, D3, D4 and D5 of the Placemaking Plan.

## 5. HIGHWAYS SAFETY AND PARKING

### *Access*

The Hollow is within a 20mph speed limit with an existing traffic calming scheme in place, and pedestrian footways are provided on either side of the carriageway. Vehicular access to the site will be achieved directly off The Hollow.

The application is supported by a 'Technical Note on Access' which has been reviewed by the Highways Officer.

The proposed width of the private access road, 4.8-metres, exceeds the minimum requirement recommended by Manual for Streets of 4.1-metres to allow cars travelling in opposing directions to safely pass one another and is therefore acceptable. The proposed access will also have sufficient visibility in both directions onto The Hollow.

The swept path analysis provided demonstrates that the private access road, turning head and off-street, car parking spaces are fully accessible to a standard car and that the turning head allows the driver of a car to manoeuvre the vehicle such that it can enter The Hollow in a forward gear, which is acceptable in highway safety terms.

### *Parking*

The proposed nine, three-bedroom dwellings require the provision of 20 off-street, car parking spaces to accord with the requirements of the authority's adopted parking standards under policy ST7.

The completed accessibility assessment allows for a discount of 10%. This reduces the parking standard for this site to 18 spaces, although the Parking Strategy (Technical Report 2018) which contains the accessibility assessment explains that the final level of parking to be provided remains subject to the judgement of the Council.

A total of 16 off-street, car parking spaces are proposed, which represents a shortfall of two spaces. However, the Highways Officer has advised that the level of parking is considered to be appropriate due to the parking opportunities for visitors which exist on-street. The level of parking is the same as previously considered under application 19/00786/FUL to which the Council raised no objection on these grounds.

The level of car parking is therefore considered acceptable.

The application provides sheds for each of the proposed dwellings to accommodate cycle storage. This will ensure that there is sufficient cycle parking provision and can be secured by condition.

### *Traffic calming*

Considerable concern has been raised by third parties about proposals to amend the existing traffic calming features on The Hollow to enable the access to the site. These currently comprise priority working narrowings, central islands and road markings.

Detailed comments were provided by Avon and Somerset Police regarding the safety of the proposals as originally submitted. As a result, revised plans were submitted and subject to an independent stage 2 road safety audit. Both Avon and Somerset Police and the Highways Officer have now confirmed that the concerns originally raised have been addressed.

Currently the distance between the centre of the existing traffic calming features on The Hollow is approximately 80-metres. This exceeds the range suggested by highways guidance (TAL7/91). The distance between the replacement traffic calming feature on the north-west side of The Hollow and the proposed build out of the south-western side of the priority junction of The Hollow and Cotswold View is approximately 60-metres. The distance between the proposed build out of the south-western side of the priority junction of The Hollow and Cotswold View and the existing traffic calming feature which is to be retained is approximately 50-metres, meaning that the distance between proposed and existing measures is now within the range of 40 to 60-metres recommended by TAL7/91. The Highways Officer has therefore advised that reduced distance between traffic calming features will assist in achieving compliance with the posted speed limit of 20mph.

It is also noted that the proposed amended traffic calming scheme for The Hollow does not remove any existing on-street, car parking provision, which addresses another concern raised by third parties.

In summary both Avon and Somerset Police and the Local Highway Authority (LHA) have no highway objection the amended traffic calming scheme for The Hollow, as indicated on submitted plan reference 2129/03 Revision D. This can be secured by condition.

### *Traffic and trips*

The trip rates and subsequent trip generation is summarised in the submitted technical note. This is of the order that then Highways Officer would expect nine residential dwellings to generate they consider that the two-way vehicular trips forecast to be generated by the proposed development will not have a material impact on the continued safe operation of the local highway network.

### *Waste and Recycling*

It is not intended that the road leading to the rear car park would be adopted by the Council. Therefore, the collection of refuse and recycling will be carried out directly from

The Hollow using the Council's existing waste and recycling service, without the need for a refuse vehicle to enter the site.

Each dwelling is provided with a covered bin store located at the front of each of the properties and integral to the design of the new dwellings.

It is therefore considered that the proposed development will have adequate storage and collection arrangements for waste and recycling.

## 6. RESIDENTIAL AMENITY

The nearest property to the application site is 1 Cotswold View, which is a bungalow located along the north-east boundary. The positioning and orientation of the proposed dwellings means that none would directly overlook 1 Cotswold View. The proposed dwellings and associated gardens are a significant distance from 1 Cotswold View and will not offer any significant opportunities for overlooking.

There are a number of trees along the boundary with 1 Cotswold View and it is proposed to plant 7 additional trees, comprising a mix of oak and cherry trees. The final detail of the landscaping scheme, including final species mix, will be reserved by condition. It is considered that the additional tree planting will create some additional shade directed towards 1 Cotswold View, but that this will not have such a significant impact as to be detrimental to the amenity of the occupiers.

The application site lies opposite existing residential properties on The Hollow (nos. 63 - 81). The proposed dwellings would be situated over 25m from these existing dwellings and would be separated by the public highway. This is considered sufficient to prevent any harmful overlooking or overbearing impacts upon these occupiers.

Bath City Farm, a community-run farming and volunteering organisation, have a training/volunteering building located on land to the south and west of the application site and undertake a number of their activities on nearby land. Many comments have highlighted the good work undertaken by the farm and some have raised concerns about the potential impact of the proposals on its operation.

There is also the potential that the operation of the farm could be adversely affected as smells, noise and disturbance from the farm drawing complaints from future occupiers of the proposed development. Whilst this is a valid concern, the farm currently operates close to a number of other existing residential properties without difficulty and it is considered that there is sufficient separation from the proposed development and sufficient land available to enable it to operate without being adversely affected by complaints from residents of the proposed development.

## 7. ECOLOGY

The proposal involves land that falls within the boundary of the larger "Twerton Farm" which is a designated Site of Nature Conservation Interest (SNCI), described as supporting semi-improved neutral grassland and scrub. There are also known populations of amphibians, including Great Crested Newt (GCN) (a European Protected Species), in

off-site ponds on adjacent land (Bath City Farm). This is confirmed by the submitted ecological assessment.

The proposal will result in permanent removal of an area of land that falls within the SNCI boundary, and the habitats this area supports, as well as risk of impacts on ecological value, including the value of the SNCI, on adjacent land. Consideration to policy NE3 is therefore required.

Policy NE3 requires that material considerations must be sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site. In addition, the harm to the nature conservation value of the site must be shown to have been minimised, and compensatory provision of at least equal nature conservation value must be made for any unavoidable harm.

The proposed development area falls in the southern section of this field and does not require loss of the area to the north; this allows for retention of the key features of ecological value within this part of the SNCI, including the boundary vegetation comprising trees, hedgerow and shrubs, scrub and damp hollow, and areas of badger activity.

The southern section of the site that is subject of the proposed development does also support habitat of some ecological value, and is used by a range of wildlife, including badger (for foraging and access onto and off the site) as demonstrated by the camera trap surveys. The loss of this area of the SNCI would require measures sufficient to compensate to equivalent value. This would require enhancement of the ecological value of all the remaining area of the same field to an ecological value that is considered to be at least double its existing value, or, perhaps more realistically, a combination of measures that provide equivalent level of new ecological benefit to that being lost, within and potentially also adjacent to the site.

A scheme of ecological mitigation, compensation and enhancement is proposed by the application to take place within the undeveloped part of the site. This scheme has been reviewed by the Council's Ecologist who is satisfied that it is acceptable and can provide the required level of compensation. In addition, the Council's Ecologist considers that the current scheme is an improvement on the previous appeal scheme for the following reasons:

1. The red line boundary now incorporates the northern section of the field (excluding boundary vegetation). The ecological mitigation and compensation that was previously offsite is now to be secured via a s106 agreement and will now be on land that is within the red line boundary.

2. Incorporation of 2x ponds to the landscape scheme; the ponds are now also shown on the revised landscape plans which helps to demonstrate that this is achievable. Final details of pond design, planting, profile etc can be agreed by condition. It has been confirmed that the ponds are now not a requirement of the drainage or SUDS scheme and can be designed provide wildlife habitat as their primary function. There is a population of Great crested newt (GCN) nearby. This is a species that can benefit from the availability of multiple ponds. Given the vulnerability of the nearby GCN population, this provision has the potential to provide a genuine ecological benefit at the site.

3. A biodiversity net gain calculation is included. The scheme is considered to avoid net loss and provide a net gain for biodiversity.
4. A habitat management plan is provided to form the basis of a LEMP.

These revisions to the previously proposed ecological mitigation and compensation measures provide added confidence that the scheme can be considered to be ecologically acceptable.

It should be noted that the previous appeal was dismissed due to the failure to secure the ongoing management of the ecological mitigation and compensation measures as the land was outside of the red line and not secured via a legal agreement. However, no issue was taken with the proposed scheme itself. The current application overcome this issue through the extension of the red line to include the relevant land and through the offer of a s106 legal agreement to ensure the management of the land in perpetuity.

In terms of whether material considerations are demonstrated sufficiently to outweigh the ecological value of this area of SNCI, this is considered in the planning balance section below.

## 8. TREES AND WOODLAND

Whilst there are no mature trees inside the red line of the application site, there are a number of significant mature trees immediately adjacent to it along the north-east boundary. This row of trees is situated at the entrance to Cotswold View and provides an important screening function for the site in both near and long views of the site (see landscape section above).

In addition to the north eastern row of trees, there are two London Plane street trees located along the Hollow frontage of the site. The proposed development involves a small amount of excavation within the root protection area of one of these street trees. However, the results of a trial pit undertaken by the applicant have indicated that there are unlikely to be any significant roots affected by the proposals in this location.

The Council's Arboriculturalist is satisfied that the submitted arboricultural method statement contains measures to minimise any impact upon these trees, subject to appropriate planning conditions.

Additional concern has been raised by third parties about the potential loss of these trees as a result of the revised traffic calming measures. This concern arising from a recommendation in the road safety audit which advises the removal of these trees. However, the designer's response is clear that there are no proposals to remove the street trees and that appropriate visibility can be achieved with the trees in place provided they are well maintained.

## 9. SURFACE WATER DRAINAGE

A drainage strategy has been submitted with the application. This explores the use of soakaways for dealing with surface water but rules it out due to the moderate landslide hazard on the site. The proposal is therefore to connect to the existing public sewer network located in the adjacent field to the north. Attenuation will be provided via oversized pipes to reduce the discharge rates.

The foul water drainage system will connect into the existing Wessex Water public foul sewer located within The Hollow, just to the south of the site.

The proposed drainage strategy has been reviewed by the Drainage and Flood Risk Team who consider it acceptable. The proposals are therefore considered to comply with policies SU1 and PCS7A in relation to surfaces and foul water drainage.

## 10. ARCHAEOLOGY

The proposed development is situated to the south of the suggested line of a Roman Road, which appears as a straight track on the 1839 Twerton tithe and 1885 Ordnance Survey maps. This track forms the northern boundary of the field containing the application area. It is suggested that the Roman road runs from Bath, via a ferry crossing of the River Avon (east of Twerton) and continues south towards an area at Whiteway where Roman burials and occupation evidence have been found.

The application area is covered by a geophysical survey carried out in 2014. Unfortunately, the results in the area of this revised application, were affected by ferrous objects and fencing. The Heritage Statement (Heritage Places 2019) submitted as part of the application has established 'The Hollow' was 'once deep, historic lane cutting through open farmland', which was infilled in 1929. The disturbance along the southwest boundary may therefore be attributed to this. However, the geophysical survey report concludes that the 'strong nature of these anomalies could be masking weaker archaeological anomalies'.

The Council's Archaeologists have therefore raised no objection to the proposal, subject to a field evaluation of the site, a programme of archaeological works/mitigation and publication of the results. These matters can be secured by condition.

## 11. CONTAMINATED LAND

The Contaminated Land Officer has reviewed previous proposals for residential development on this site and has raised no objection. However, due to the sensitive nature of the proposed development (i.e. residential), they have advised that the model planning conditions requiring site characterisation, submission/implementation of a remediation scheme, reporting of unexpected contamination and long term monitoring and maintenance are applied to any permission granted.

## 12. SUSTAINABLE CONSTRUCTION

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. This includes the following:



- o Maximising energy efficiency
- o Minimisation of waste
- o Conserving water resources
- o Efficiency in material use
- o Flexibility and adaptability
- o Consideration of climate change adaptation

The Council's Sustainable Construction Checklist has been completed and submitted with the application. This indicates the main points of the scheme's energy strategy which are:

- o Orientation of the blocks facing N-S to maximise solar gain
- o Terrace form giving a low form factor for heat loss
- o Solar PV to be fitted to the South roof pitches
- o High energy performance materials (lower U values than Part L)
- o Low energy lighting
- o High efficiency combi-boilers
- o Good airtightness, but with natural ventilation strategy

SAP calculations submitted in support of the application demonstrate that these measures will result in a 26.2% reduction in carbon emissions compared to the baseline emissions.

Policy SR5 requires all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day and to provide a scheme of rainwater harvesting for the potential residents.

The submitted checklist the proposals will meet these requirements through the use of low flow fittings and low volume sanitary ware alongside a scheme for rainwater harvesting.

### 13. OTHER MATTERS

Concern has also been raised about the potential for the development to set a precedent for incremental development encroaching into the hillside. Any future proposals for development would require planning permission in their own right and would therefore need to be judged upon their own merits.

Furthermore, any future development extending into the hillside would need to be served by a road built to an adoptable standard. The gap between the proposed terrace dwellings is not sufficiently wide to accommodate a road to adoptable standards and this restricts the opportunities for providing access to further development through the application site.

### 14. PUBLIC BENEFITS

The application proposals would deliver several public benefits which are primarily set out in the submitted planning statement, but also summarised below.

#### *Housing*

The proposals provide 9 new family dwellings which contribute towards meeting the housing objectives of policies DW1 and B1. The new dwellings are located inside the existing urban area in a location which can be considered broadly sustainable. This is afforded significant weight.

#### *Economic benefits*

The proposals will provide additional jobs and boost to the local economy during the construction of the proposals. Whilst this is a temporary benefit only, it is still afforded some modest weight

The proposals will also be liable for payment of the community infrastructure levy (CIL). This levy can be spent on local infrastructure identified on the Council's regulation 123 list. The limited scale of the development means that these benefits only carry moderate weight

#### *Sustainability, climate change and biodiversity*

The site is located in an existing residential area, with good access to services and facilities and is therefore considered to be a sustainable site for homes.

The proposals would provide a 26% reduction in carbon emissions, exceeding the target set out in policy CP2 and the sustainable construction SPD.

Additionally, the proposals will also ensure long term enhancement and maintenance of the landscaped areas of the site and the adjacent field for ecological benefit, with a particular benefit to Great Crested Newts.

## 15. PLANNING BALANCE

#### *Loss of SNCI vs material considerations*

As discussed above, policy NE3 of the Placemaking Plan requires that material considerations are sufficient to outweigh the loss of part of the SNCI.

In this case, it is considered that the area of SNCI lost is relatively small and the proposals provide adequate levels of compensation and mitigation. The proposals provide biodiversity net gain and are not considered to undermine the wider SNCI designation.

Against, this loss are the public benefits of the proposal are considered carry greater weight. The public benefits are therefore considered sufficient to outweigh the loss of this part of the SNCI and the proposal complies with policy NE3 of the Placemaking Plan.

#### *Heritage Balance*

In accordance with paragraph 202, less than substantial harm to a heritage asset should be weighed against the public benefits of the proposals. In this balancing exercise, paragraph 199 requires that great weight should be given to the asset's conservation.

In striking this balance, the comments of the previous appeal Inspector are relevant:

*The Framework requires great weight to be given to both the harm to the OUV of the WHS, and the benefits of developing a suitable site for homes. This results in the relative considerations of harm and benefit being finely balanced. However, I conclude that the public benefits of providing nine houses on a suitable site, in accordance with the housing strategy of the development plan, and the accompanying economic benefits outweigh the very limited harm that I have found to the significance of the WHS.*

There have been no significant changes to the proposals or the context which suggest that a departure from the Inspector's conclusion is justified. It is therefore considered that the public benefits of the proposal outweigh the less than substantial harm to the World Heritage Site. The proposal therefore complies with policies B4 and HE1 of the Core Strategy and Placemaking Plan.

## 20. CONCLUSION

In conclusion, the proposals are a resubmission of the previous appeal scheme which was only refused due to a failure to secure the ecological mitigation/compensation measures. This has now been addressed through the extended red line boundary and the offer of a legal agreement.

The revised highways proposals are acceptable and the amendments to the landscape scheme are an improvement of the previous proposals.

All other matters were previously considered acceptable by the Planning Inspector, including that the public benefits of the proposal would outweigh the very limited harm to the World Heritage Site and that the proposals would be of an acceptable design. There has been no significant material change of circumstances which would suggest that a deviation from these conclusions is justified.

The proposals are therefore considered to comply with the Development Plan and, in accordance with paragraph 11 of the NPPF, should be approved without delay.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

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

a) the long term safeguarding and wildlife conservation management of the area of land to the north of the development site (as shown on the soft landscape plan 1380-02-

P9) and the long term management of any other ecological measures approved / required by condition (off site or within the development site)

b) production of an Ecological Management Plan for the above land, and its implementation thereafter

c) legal and financial / resourcing responsibilities for the land and its maintenance, and long term retention and enhancement of its ecological value

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

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

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

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

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

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

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

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

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

### **3 Construction and Environmental Management Plan - Ecology (Pre-commencement)**

No development shall commence (including ground works, vegetation clearance, drainage installation or other excavations) until a Construction Environmental management plan for Ecology (CEMP: Ecology) has been submitted to and approved in writing by the local planning authority. The CEMP (Ecology) shall include:

1. a plan showing exclusion zones within which there shall be no excavation, vehicle or heavy machinery access, storage of materials, vegetation removal, or disposal of earth or other materials, and specifications for fencing of exclusion zones;
2. proposed update surveys and pre-commencement checks of the site for protected species, and proposed pre-commencement notification of the findings of these to the LPA Ecologist, along with proposals to address further mitigation requirements arising, as applicable;
3. details of proposed ecological supervision and precautionary working methods;
4. findings of completed reptile surveys;
5. Method statement/s as applicable for avoidance of harm to badger, reptiles, hedgehog, nesting birds and all other wildlife, as applicable;
6. method statement for avoidance of harm to great crested newt and its habitat;
7. details and specifications of all necessary measures to avoid or reduce ecological impacts of excavation and during site clearance and construction;

The approved CEMP shall be adhered to and implemented throughout site preparation and construction phases and works shall be implemented only in strict accordance with the approved details.

Reason: To avoid harm to wildlife including protected species (badger, great crested newt and reptiles) and retained habitats, before and during construction in accordance with policy NE3 of the Placemaking Plan. N.B. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

#### **4 Wildlife Mitigation, Compensation and Enhancement Scheme (Pre-commencement)**

No occupation shall take place until full details of a Wildlife Mitigation, Compensation and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details and proposed landscaping shall be broadly in accordance with but not limited to the proposals described in the approved Ecological Appraisal dated November 2019 (Ethos Ltd), the Update Ecological Assessment (March 21 Ethos Ltd) and shall include:

1. Scale plans and sections showing specifications profiles and detailed design and planting for a minimum of 2x new ponds which shall provide suitable habitat and aquatic conditions for great crested newt;
2. Detailed proposals for ecological and protected species mitigation and enhancement including implementation of the wildlife mitigation measures and recommendations of the approved ecological report; wildlife-friendly planting and soft landscape details; provision of bat and birdboxes; proposed specifications numbers materials and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps at intervals in boundary fences to allow continued movement of wildlife;

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Placemaking Plan. N.B. The above condition is required to be pre-commencement as it involves approval of measures to ensure appropriate mitigation and compensation of wildlife that may be otherwise harmed during site preparation and construction phases.

#### **5 Archaeological Landscape Characterisation Assessment (Pre-commencement)**

No development shall commence, until the applicant, or their agents or successors in title, has secured the implementation and preparation of a historic landscape assessment in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The assessment 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 landscape interest and HLCAs of this type are increasingly being lost without record to development and the Council wish it to be recorded prior to development in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a pre-commencement condition because significant archaeological may otherwise be damaged or destroyed during initial site works.

#### **6 Arboricultural Method Statement (Pre-commencement)**

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement by Hillside Trees Ltd dated August 2019 revision C. A programme of site visits by the appointed Arboriculturalist shall be submitted to the Local Planning Authority prior to commencement of any development. The tree protection measures shall be monitored by the appointed Arboriculturalist and site visit records shall be provided to the Local Planning Authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development in accordance with policy NE6 of the Placemaking Plan. This is a pre-commencement condition because significant trees may otherwise be harmed by initial site works.

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

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

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

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

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

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

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

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

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

### **9 Follow-up report - Implementation of Wildlife Scheme (Pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist (licensed bat worker) confirming and demonstrating, using photographs, implementation and completion of all approved measures within the CEMP and the Wildlife Mitigation, Compensation and Enhancement Scheme, and light spill avoidance measures, in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the compliance with all approved ecological mitigation and compensation and light spill containment requirements, 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 Placemaking Plan.

### **10 Landscape and Ecological Management Plan (Pre-occupation)**

Prior to occupation of any part of the development full details of a Landscape and Ecological

Management Plan shall be submitted to and approved in writing by the local planning authority. These details shall be in accordance with, but not limited to, the approved Habitat Management Plan and shall include:

1. A list of long-term ecological and landscape aims and objectives, to include species- and habitat- specific objectives;
2. Proposed management practices to meet the stated aims and objectives;
3. Locations and boundaries of proposed management practices shall be shown on a plan;
4. Details, as applicable, of proposed timing, frequency, methods and equipment for proposed management practices;
5. Proposed monitoring of habitat quality, species, and of implementation and success of management practices;
6. Proposed responsibility for monitoring, remediation where applicable, and ongoing review, reporting and updating of the Plan;

7. Proposed continuation strategy for implementation of the LEMP beyond the minimum 30 year period.

All works within the scheme shall thereafter be carried out in accordance with the approved details for a minimum of 30 years and the area subject to the LEMP shall be retained for the lifetime of the development for the purpose of providing wildlife habitat.

Reason: In the interests of securing long term visual amenity and biodiversity benefit and policy NE3 of the Placemaking Plan.

#### **11 Arboriculture - Signed Certificate of Compliance (Pre-occupation)**

No occupation of the development shall commence until a signed certificate of compliance with the Arboricultural Method Statement and tree protection plan, including all site visit records, by 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 and to ensure that the approved method statement is complied with for the duration of the development.

#### **12 Sustainable Construction Checklist (Pre-occupation)**

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

1. Table 2.1 Energy Strategy (including detail of renewables)
2. Table 2.2 Proposals with more than one building type (if relevant)
3. Table 2.4 (Calculations);
4. Building Regulations Part L post-completion documents for energy efficiency;
5. 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).

#### **13 Site Access (Pre-occupation)**

No occupation of the development shall commence until the access arrangement shown on submitted plan reference 2129/03 Revision D, (or a variation agreed by the Local 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.

#### **14 Cycle Parking (Pre-occupation)**

No occupation of the development shall commence until a secure, covered cycle parking for a minimum of two bicycles per unit has been provided in accordance with details to be



submitted to and approved in writing to the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

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

#### **15 Residents Welcome Pack (Pre-occupation)**

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

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

#### **16 Road Safety Audit (Pre-occupation)**

No occupation of the approved development shall commence until the constructed highway works have been the subject of a Stage 3 and Stage 4 Road Safety Audit (RSA) which will be undertaken in accordance with the requirements of 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 Avon and Somerset police shall be invited to attend the daytime and night-time Stage 3 RSA site visits in the role of observer.

Reason: In the interest of highway safety amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

#### **17 Highway Works (Compliance)**

No occupation of the development shall commence until the highway works shown on drawing number 2129/03 Revision D, (or a variation agreed by the planning authority) has been provided.

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

#### **18 Dwelling Access (Compliance)**

None of the residential dwellings shall be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.

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

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

No occupation of the development shall commence until 16 parking spaces have been provided on-site and should be retained permanently thereafter.

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

### **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 2129 03D REVISED TRAFFIC CALMING SCHEME-SHEET 1 OF 2  
2129 03D REVISED TRAFFIC CALMING SCHEME-SHEET 2 OF 2  
1380-02-P9 REVISED SOFT LANDSCAPING PLAN  
074A PROPOSED ELEVATIONS  
073A PROPOSED ELEVATIONS  
072A PROPOSED ELEVATIONS  
071A PROPOSED FLOOR PLANS  
070C SITE PLAN

### **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.

### **INFORMATIVES**

#### **Local Highway Authority Require Legal Agreement (Section 278)**

The LHA requires the developer to enter into legally binding Section 278 Agreement covering the construction of the new vehicular access to the development site, the revisions of the current traffic calming scheme on The Hollow, including the associated highway signage and carriageway markings, and the cost of the required Traffic Regulation Order (TRO) together with implementation costs. Further information in this respect may be obtained by contacting the LHA.

#### **Section 184 License**

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

### **2 Condition Categories**

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

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

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

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

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

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

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

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

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

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

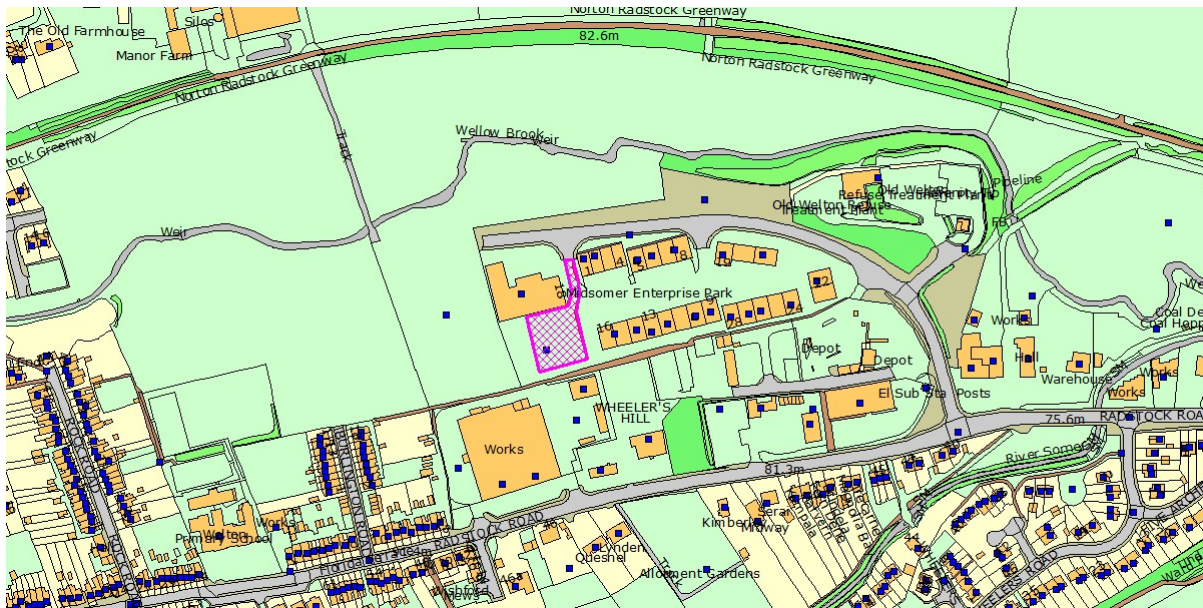
### **Community Infrastructure Levy - Exemptions and Reliefs Claims**

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

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

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

**Item No:** 03  
**Application No:** 21/03281/FUL  
**Site Location:** Land South Of Unit 18 Midsomer Enterprise Park Midsomer Norton  
 Bath And North East Somerset



**Ward:** Midsomer Norton North      **Parish:** Midsomer Norton      **LB Grade:** N/A  
**Ward Members:** Councillor Michael Evans    Councillor Shaun Hughes  
**Application Type:** Full Application  
**Proposal:** Erection of storage containers, support infrastructure and security fence for Battery Energy Storage facility.  
**Constraints:** Agricultural Land Classification, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Policy ED2A Strategic & Other Primary In, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Neighbourhood Plan, SSSI - Impact Risk Zones,  
**Applicant:** Conrad Energy (Developments) II Limited  
**Expiry Date:** 24th September 2021  
**Case Officer:** Hayden Foster  
 To view the case click on the link [here](#).

**REPORT**

**Reason for Development Management Planning Committee Referral:**

The application has been referred to the Bath and North East Somerset Planning Committee in line with the Development Management Planning Scheme of Delegation at the request of the head of Planning. This is due to the high level of local interest generated on the previous planning application at this site (Reference: 19/04085/FUL) and the significant implications for key corporate objectives.

**Site Description and Proposal:**

The application relates to a plot of land accessed via the Midsomer Norton Enterprise Park. The site is located within the residential area of Midsomer Norton.

The application seeks consent for the erection of storage containers, support infrastructure and security fence for Battery Energy Storage facility.

**Relevant Planning History:**

- o 19/04085/FUL - PERMIT - Erection of standby gas generator plant and associated infrastructure.

**SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**Consultation Responses:**

**Midsomer Norton Town Council**

No comment.

**Environmental Protection**

No objection.

**Ecology**

No objection subject to conditions.

**Arboriculture**

No objection subject to conditions.

**Highways**

No objection subject to conditions.

**Avon and Somerset Police**

No objection subject to comments.

**Representations Received:**

28 supporting comments have been received. In summary the following comments have been made:

- o Heartened to see that Conrad Energy have taken on board the imperative to provide supportive structure for renewables.
- o The permitted gas-powered plant on this site would have been catastrophic for local air pollution and carbon emissions, particularly in the current climate and ecological emergency.
- o Infrastructure for a battery storage unit is a much better option. Energy storage is an important part of our transition to 100% renewable energy.

- o It is appropriate for the location and is in line with supporting renewable energy in the UK.
- o Until a greener technology becomes viable battery power is the obvious solution.
- o Would prefer a power station was not going to be built near residential properties but understand grid capacity is a big problem.
- o This kind of storage is necessary to back up intermittent generation capacity from renewables and therefore should be supported.

## **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:

- CP2: Sustainable Construction
- CP5: Flood Risk Management
- CP6: Environmental Quality
- DW1: District-wide spatial Strategy

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:

- CP3: Renewable Energy
- D1: General Urban Design Principles
- D2: Local Character and Distinctiveness
- D3: Urban Fabric
- D5: Building Design
- D6: Amenity
- D7: Infill and Backland Development
- D8: Lighting
- ED2A: Strategic (\*) and Other Primary Industrial Estates
- NE1: Development and Green Infrastructure
- NE3: Sites, Species and Habitats
- NE5: Ecological Networks
- PCS1: Pollution and Nuisance
- PCS2: Noise and Vibration

PCS3: Air Quality  
PCS5: Contamination  
SCR1: On-site Renewable Energy Requirement  
ST7: Transport requirements for managing development  
SU1: Sustainable drainage

The National Planning Policy Framework (NPPF) was published in July 2021 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 application relates to a plot of land accessed via the Midsomer Norton Enterprise Park. The site is located within the residential area of Midsomer Norton. The application seeks consent for the erection of storage containers, support infrastructure and security fence for Battery Energy Storage facility.

The site and wider surrounding area is undeveloped grass land bound by trees and hedgerow. The site is also set directly adjacent to several industrial units set to the north, east and south. The proposal is a resubmission of permitted Application Reference: 19/04085/FUL which sought the erection of a standby gas generator plant and associated infrastructure.

## Principle of Development

The site is located within the residential area of Midsomer Norton and is situated within the Midsomer Norton Enterprise Park. Given the location of the site it is noted that policy ED2A of the Bath Placemaking Plan is of consideration. This policy states that B1c, B2 and B8 uses will be acceptable in principle within these identified industrial estates.

The identification of these areas as Strategic and Other Primary Industrial Sites means that there is a presumption in favour of retaining them for B1c, B2 & B8 uses. There are strong economic reasons why other uses would be inappropriate because of the economic significance of these areas. Applicants seeking to challenge this presumption should provide compelling evidence that circumstances have changed to the extent that there is no reasonable prospect of land or premises being used for the allocated purpose.

As part of the previous submission Reference: 19/04085/FUL an employment land report and assessment of the site under policy ED2A had been submitted. The findings of those report are considered relevant to the current submission. When assessing the current proposal under policy ED2A the following factors are noted:



#### Viability of developing allocated land for industrial use

The viability assessment of potential alternative employment-based uses/developments produce negative figures when realistic and conservative inputs are used in the illustrative residual appraisals. In policy terms, this is proof of the lack of viability for ongoing industrial or business use.

#### The level of interest following a marketing period

The site has not been formally marketed in recent years. It has however been available for development for over 20 years. In this time interest from prospective employment use occupiers and developers has been limited.

#### General market signals of demand across the District and the locality

New conventional employment development is not current viable in the area. This has been demonstrated by the lack of new development within recent years. Within the West of England employment hierarchy, Midsomer Norton serves indigenous local demand and therefore is not able to command rents which would approach the viability tipping point.

The mix of employment, trade, sui generis, retail, roadside and other uses on the Midsomer Enterprise Park and other 'Primary Industrial Estates' is indicative of the uses which are viable in such employment locations.

#### The availability of alternative premises and land

There is at least 5,773 sqm (62,145 sqft) of industrial and office floor space available in the Midsomer Norton area and c.19 acres of employment land available at the Old Mills site and former Sewage works site, in addition to the Former Welton Bibby site which has consent for over 40,000 sqft of employment floorspace.

Notwithstanding, the use classification of the proposed use, for the foregoing reasons it is considered that the nature, character and operations of the Primary Industrial Estate of Midsomer Enterprise Park would not be affected by the proposed use.

#### Summary

The application site is vacant, and a battery energy storage facility would not prejudice the sustainability of existing services currently operating from the surrounding industrial premises. Furthermore, the development proposals would indirectly provide support to the local Grid network, thus increasing the viability of employment and residential related development both locally in the enterprise park and in the wider region.

Given the assessment made above there are strong economic reasons why the proposed use would be suitable for this area.

Policy CP3 of the Placemaking Plan for Bath and North East Somerset is also of consideration. This policy states that proposals for low carbon and renewable energy infrastructure, including large-scale freestanding installation will be assessed under national policies and against the following:

- a potential social and economic benefits including local job creation opportunities
- b contribution to significant community benefits
- c the need for secure and reliable energy generation capacity
- d environmental impact (see Policy CP6)

The facility will import excess energy from the grid and store it. The batteries can capture energy that would otherwise be lost. Due to their storage ability, batteries offer opportunities to support the intermittent nature of renewables by storing any excess energy they produce and exporting it back into the grid at times of system stress/demand. Battery Energy Storage is a clean and renewable form of energy development that seeks to ensure that any impact on climate change is minimised.

The proposed use will support the local grid network, thus increasing the viability of employment and residential related development both locally in the enterprise park and in the wider region. The proposed use is a renewable form of energy seeking to minimise climate change impacts. The proposal has been assessed based on character and appearance, ecology and arboriculture impacts. It is considered that the proposal will not give rise to negative impacts regarding these factors.

Given the above the proposal accords with policy CP3, CP6 and ED2A of the Bath and North East Somerset Placemaking Plan. In addition to paragraphs 155 c) and 158 of the National Planning Policy Framework (NPPF).

In addition to the principle of development the following factors are of consideration:

### **Character and Appearance**

The site and wider surrounding area is undeveloped grass land bound by trees and hedgerow. The site is also set directly adjacent to several industrial units set to the north, east and south. Public Rights of Way (PRoW) run to the south and west (Reference: CL24/ 45 and CL24/ 456) the proposed development will not disrupt these routes given the site parameters.

In summary the proposal will present the following:

- o Eight battery system and power conversion containers each 6.1m x 2.4m x 3.05m high;
- o One Control Kiosk - 2.1m x 0.825m x 1.8m
- o Two Transformers 2.054m x 1.976m x 2.676m high;
- o Two inverter units 6.1m x 2.4 x 3.05m high;
- o One Small Amenity Building 9.757m x 3.066m x 3.066m high;
- o Switch room Cabin 5.860mm x 3.860m x 3.259m;
- o One WPD DNO substation 3.6m x 2.5m x 2.250m;
- o Two CCTV Masts 4m tall; and
- o Palisade Fencing - 2.4m tall;
- o Acoustic fencing along the western boundary - 4m tall.

The proposed development is set to provide planting to the west and south. This will screen views of the site from the nearby PRoWs.

As noted above the site is allocated employment land. Given the uses surrounding the proposed development, and the scale of the proposal it is not considered that the proposal will detract from the character and appearance of the surrounding area. Conditions can be

attached to any permission granted to require the implementation of the proposed hard and soft landscaping.

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

### **Environmental Protection and Residential Amenity**

Given the nature of the proposal the Environmental Protection Team has been consulted and have no comments subject to compliance with the specific sound level stated within the noise assessment dated 23rd February 2021.

The assessment identifies that the proposed development will give rise to rating noise levels that are equivalent to or below the measured background sound level in the area, at the assessed residential receptors, thus giving rise to a Low Impact.

The assessment also identifies that no significant change in ambient sound level at any of the identified receptor locations will be engendered because of the proposed development in its proposed and assessed form and that the amenity of residential receptors will not be compromised.

Comments have also been received from the Designing Out Crime Officers (DOCO) who make recommendations with regards to security. Specifications for padlocks and locking features to the perimeter and storage units. In addition to the use of a perimeter detection system. The comments received can be attached to any permission granted as an informative/ advisory.

It is considered that the design, scale, massing and siting of the proposed development 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.

### **Ecology**

An up-to-date ecological assessment has been submitted (Ellendale Environmental, March 2021).

The findings of the ecological survey and assessment and the proposed planting are broadly accepted and are in line with the previous scheme. The proposed new planting provides sufficient scope for the scheme to avoid a net loss of biodiversity and potentially to provide additional / new benefit for wildlife.

Concerns regarding the degree of risk of occurrence and potential harm to reptiles within the site remain; there is also potential for nesting birds. However, it is considered in this case that these concerns can be addressed by ecological supervision, pre-

commencement checks, precautionary working methods and any other necessary measures arising, which can be secured by condition. The conditions requested for the previous scheme remain applicable with revised wording which has been updated to the current proposal and documents.

Given the assessment made there are no objections to the proposal on the grounds of its direct ecological impacts. The proposal accords with policies NE1, NE3, NE5 and D8 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF subject to suggested conditions.

### **Arboriculture**

The provided tree survey, implications assessment and outline protection method statement identifies that two groups of semi mature willows are proposed for removal to facilitate the development. Tree protection for retained tree groups will be achieved by the installation of palisade fencing around the site boundary.

Provided the tree protection measures contained within the method statement by Tree Maintenance and on tree protection plan 14294/64984 date: 22/02/2021 are strictly adhered to there are no objections.

A planting scheme that identifies the number, species, planting stock size, proposed location and aftercare regime for replacement trees will be required and can be provided through planning condition.

The proposed development will not have an adverse impact on trees which are of significant visual or amenity value. The proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF subject to conditions.

### **Highways**

The site is accessed off Wheeler's Hill which serves the wider Midsomer Norton Enterprise Park.

The submitted information notes that two members of staff will be employed but will not be based at the site permanently. They will, however, visit the site up to three times a week to check the generators and undertake general maintenance. It is anticipated that once operational no more than two transit vans would be required on the site at any one time during the maintenance visits.

The submitted plans detail sufficient space within the site parameters to accommodate two transit vehicles. Highways Development Control have cited no in principle objection to the proposal subject to submission of a construction management plan. It is noted that this can be conditioned as part of any permission granted.

Given the above the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF subject to conditions.

## **Other Matters**

The proposed development site is situated within proximity to several potentially contaminative historical uses including colliery and spoil heap, brickworks with clay pits and sewage works. The Contaminated Land Team had been consulted as part of the previous submission Reference: 19/04085/FUL. Within the response received it was noted that there was no objection to the proposal subject to a condition and advisory note applied to any permission granted. Given the nature of the current proposal and location of the site the suggested conditions, an advisory will be attached to any permission granted.

The site is also set within defined Development Low Risk Area for coal mining. The Coal Authority had been consulted as part of the previous submission and noted that there is no requirement under the risk-based approach for a Coal Mining Risk Assessment given the sites location within a defined Development Low Risk Area. However, as with the previous approval it will be necessary to include The Coal Authority's Standing Advice as an advisory note to any permission granted.

## **Conclusion**

Several pre-commencement conditions will be attached to any future permission. In line with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 the agent/ applicant have been made aware of the implementation of such conditions. It is noted that the agent/ applicant are in agreement with the use of such conditions.

Based on the comments made above it is recommended that the application is permitted subject to conditions.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

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

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

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

### **2 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 Ecological Mitigation and Hard and Soft Landscaping (Pre-completion and pre-operation)**

The development hereby approved shall not be completed nor operations commenced until a wildlife-friendly hard and soft landscape scheme designed to incorporate (but not be limited to) all ecological mitigation requirements as described in Sections 5.2 and 5.3 of the approved Preliminary Ecological Assessment dated 8 March 2021 by Ellendale Environmental, and as shown on the approved Planting Plan dated 22nd February 2021, 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; proposed positions of additional measures and features to provide benefits for wildlife including bat and bird boxes and habitat creation; and a programme of implementation and long term maintenance for delivery of habitats of benefit to wildlife. Details shall also be provided 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 ecological mitigation and habitat provision, and an appropriate landscape setting to the development in accordance with Policies NE3, D1, D2 and D4 of the Bath and North East Somerset Placemaking Plan.

#### **4 Follow-up report - Ecology and Landscape scheme (Post completion / Pre-Operational)**

The development hereby approved shall not commence operations until a report produced by a suitably experienced professional ecologist confirming and demonstrating, using photographs and based on post-completion site visit, all ecological protection, mitigation and enhancement measures as described in recommendations in Sections 5.2 and 5.3 of the approved Preliminary Ecological Assessment dated 8th March 2021 (Ellendale Environmental), and all measures as shown on the Hard and Soft Landscaping Scheme (that shall have first been submitted to and approved in writing by the LPA as required by condition), are in place and have been completed and implemented fully in accordance with approved details has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the approved ecological mitigation, compensation and enhancement requirements and landscape scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 & NE5 of the Bath and North East Somerset Placemaking Plan.

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

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

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

## **6 Wildlife Protection: ecological supervision and precautionary working methods (compliance condition)**

No development shall commence until a suitably experienced professional ecologist has been appointed as ecological clerk of works. Works including site clearance and preparation shall thereafter be implemented only in accordance with the recommendations detailed in Section 5.2 of

the approved Preliminary Ecological Assessment dated 8 March 2021 by Ellendale Environmental, and only under ecological supervision and following pre-commencement checks, and using precautionary working methods for avoidance of harm to reptiles and other wildlife, and in

accordance with any further requirements arising as a result of further survey and precommencement checks, as applicable.

Reason: to avoid harm to reptiles and other wildlife in accordance with NPPF and policies NE3 & NE5 of the Bath and North East Somerset Placemaking Plan.

## **7 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: the proposed route for construction related traffic to and from the application site and Radstock Road; swept path analysis which demonstrates that the proposed route for construction related traffic is suitable for heavy goods vehicles (HGVs) and lorries; details of where HGVs will wait whilst materials are unloaded; and details of the proposed location for the crane together with the length of time for which it will be required. The plan shall also 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.

## **8 Parking (Compliance)**

The areas allocated for parking and turning, as indicated by submitted plan reference 22003\_PP\_004 Revision F, 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.

## **9 Compliance with Arboricultural Method Statement (Bespoke Trigger)**

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (Tree Maintenance February 2021) and tree protection plan (14294/64984 date: 22/02/2021). A signed compliance statement shall

be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion and prior to the first occupation of the battery energy site.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE6 of the Placemaking Plan.

#### **10 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 battery energy site becoming operational 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, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

#### **11 Reporting of Unexpected Contamination (Compliance)**

In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by soils or materials with unusual colour, odour, texture or containing unexpected foreign material.

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

#### **PLANS LIST:**

1 This decision relates to the following plans received 9th July 2021:

##### Planting Plan

Drawing Number: 22003\_LP\_002 Rev B - Location Plan

Drawing Number: 2203\_MP\_01 Rev E - Master Plan

Drawing Number: CEL-STD-AMENS-325 - 20ft Amenity Cabin

Drawing Number: CEL-STD-BATT-334 - Battery RSU

Drawing Number: CEL-STD-CCTV-307 - CCTV Column

Drawing Number: CEL-STD-CTRL-317 - Control Kiosk

Drawing Number: CEL-STD-INV-335 - RIU Inverter

Drawing Number: CEL-STD-PFANDG-308 - Metal Palisade Fence-Gate

Drawing Number: CEL-STD-SW-305 - Switch Room

Drawing Number: CEL-STD-TX-314 - Transformer



Drawing Number: CEL-STD-WPD-303 - WPD Substation

Plan received 17th August 2021:

Drawing Number: 22003-PP-004 REV F - Proposed Site Plan

## 2 Permit/Consent Decision Making Statement

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

## 3 Condition Categories

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

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

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

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

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

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

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

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

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

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

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

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

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

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

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

### **6 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](http://www.gov.uk/government/organisations/the-coal-authority)

### **7 Advisory Note - Desk Study and Walkover Survey (Informative):**

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development.

It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover

survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment will be required.

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

#### **8 Crime Prevention Through Environmental Design Planning Response (Informative):**

Whilst Designing Out Crime Officers (DOCO) have no objections to the proposal there are concerns that there are no security specifications provided for the palisade fencing, the gate locks and the locking arrangements for the container doors. The forced entry of shipping containers is a frequent occurrence in Bath and North East Somerset particularly in locations where there is little or no natural surveillance after dark.

Recommended that the fencing and gates should meet or exceed LPS1175 Issue 8 Security Rating 3.

All padlocks should be Sold Secure Gold Standard closed shackle padlocks with a restricted or registered key section. Additional shrouds should be installed over the locking points to prevent attacks with bolts croppers or battery-operated power tools.

Noted that two CCTV columns are proposed which will be remotely recorded but would recommend that the site is protected by a monitored perimeter detection system linked to a monitored alarm system.

**Item No:** 04  
**Application No:** 21/02980/LBA  
**Site Location:** Friends Meeting House York Street 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 installation of 4no. hand painted timber signs fixed onto side and front elevations (Resubmission).

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, 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, Policy CR3 Primary Shopping Areas, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

**Applicant:** Topping & Company Booksellers Limited

**Expiry Date:** 23rd September 2021

**Case Officer:** Caroline Waldron

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

**REPORT**

Application being reported to committee at request of ward councillors because it is recommended for refusal.

The Friends Meeting House is a significant grade II listed building within the Bath World Heritage Site and the designated Conservation Area. The Meeting House, formerly the Freemasons Hall circa 1817 by William Wilkins in Greek Revival Style has a strong presence in the streetscene.

The current application proposes the installation of signage, comprising four timber boards to advertise the bookshop that will shortly occupy the building.

Two boards would be positioned either side of the new central entrance doors, within the portico facing the street (north elevation) and two further boards on the solid return walls of the portico facing east and west along the street. Each board would measure 1600mm tall by 900mm wide. The colour scheme would be Farrow and Ball Gervase Yellow onto Chinese Blue.

Both the existing north elevation doors at either end of the elevation and the recently approved entrance doors would also be painted Chinese blue.

#### Planning history

Parallel advertisement regulations application 21/02981/AR also being considered at this committee.

20/04801/LBA and parallel advertisement regulations application reference 20/04802/AR refused due to the impact on the listed building and conservation area.

#### Reasons 20/04801/LBA

1. The proposed signboards and advertising painted across the frieze would by reason of the number, individual size, positioning and cumulative impact, result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

2. The proposed overpainting of the "Friends Meeting House" name would by concealing key evidence about the buildings historic narrative cause harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policy HE1, the NPPF and published Historic England advice.

3. The proposed overpainting of the "Friends Meeting House" name with the blue and yellow colour scheme at a prominent high level on the building would disrupt the integrity and harmony of the existing design in a way that causes harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policy HE1, D2 and D9, the NPPF and published Historic England advice.

#### Reasons 20/04802/AR

1. The proposed signboards and advertising across the frieze would by reason of the number, individual size, positioning and cumulative impact result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider

streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

2. The proposed overpainting of the "Friends Meeting House" name with the blue and yellow colour scheme at a prominent high level on the building would disrupt the integrity and harmony of the existing design in a way that causes harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policy HE1, D2 and D9, the NPPF and published Historic England advice.

20/04050/LBA and 20/4049/FUL change of use and associated internal and external alterations to facilitate conversion from place of worship to retail. The external changes include introducing a functioning entrance into what is currently a blind opening within the portico approached by new steps.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Parish Council: NA  
Historic England NA  
Other representations

Bath Heritage Watchdog objects to this application in its current format.

When determining all applications for new shopfronts and signage they ask that the following guidelines are observed.

- The context, or general setting, of Bath should be understood, respected and reflected in any proposed work to shopfronts.
- Design, materials and workmanship should be of the highest quality.
- Any proposed or altered shopfront should be historically credible.
- House styles which do not meet the requirements of style, lettering, materials and signs are not acceptable. Multiples should be required to adapt their proposals to the special conditions of the city.
- Standard designs of any sort are not acceptable. They should be specifically designed for their context.

They strongly disagree with the statement in the Design and Access Statement that there are no symbols, signage or references to the building's original use as a Masonic Hall visible on any of the external elevations.'. They point out that the blind doorway is (was) the most obvious sign of a masonic hall ('the road to enlightenment is not always obvious'), the side elevations retain their cast iron rainwater heads with Masonic devices, the east/west orientation and subordinate doorways enabling entrance from the west also signify a masonic hall.

They welcome the retention of the portico frieze and the proposed use of freestanding signage within the demise of the building during opening hours. There should be a caveat in this in that the use of flag signs and anything illuminated cannot be supported.

They support the amended the signage to the external elevations of the portico

The signage inside the portico is not not necessary as it was the opening of the blind doorway was required to serve as an obvious entrance. Whilst the two signs maintain symmetry, they say the same thing and do not really serve any purpose.

There is ample room in the portico for bespoke freestanding signage and this , which would allow the building to be appreciated out of hours without the signs.

The works as proposed are considered to be detrimental to the special architectural and historic character and interest of the listed building, adjacent listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 'Conserving & Enhancing the Historic Environment of the NPPF and Policies DW1, CP6, D1, D2, D3, D9, D10, and HE1 of the Core Strategy and Placemaking Plan and should be revised or else refused in its current format.

## **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:

- HE1 Historic Environment
- D2 Local character and distinctiveness
- D9 Advertisements and outdoor street furniture
- Historic Environment Good Practice Advice in Planning Notes issued by Historic England

## 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 Friends Meeting House, a Grade II listed building sits within the Bath World Heritage Site and the heart of the designated conservation area, in close proximity to the Roman Baths and the Abbey.

It was built circa 1817 - 1819 in Greek-Revival style as a Freemasons' Hall, designed by William Wilkins. The portico contains a symbolically blind doorway with functional flanking entrances. The interior great hall is lit by two circular glazed lanterns.

The building proved to be too expensive for the freemasons to maintain and it was then used as an assembly room and non-conformist chapel in the 1830's until it was leased as the Bethesda Chapel in 1842 (the date on the portico). The windows on the front elevation were originally blind but were opened during the use as an assembly room and non-conformist chapel. The Religious Society of Friends (The Quakers) took over the building in 1866.

Planning permission and listed building consent for a change of use to retail (bookshop) and associated alterations has recently been granted. The scheme of work is interventionist and includes replacing the symbolic blind central opening with functioning doors approached by new generously proportioned steps. This will in itself signal a change in the use of the building and welcome people in. During opening hours the doors



will be left and open and the interior protected by sliding glass doors which could incorporate advertising as manifestation.

There is no objection to the principle of introducing new signage to the exterior of the building. The policy context for considering proposals is Place Making Plan policies D9, D2 and HE1. Policy HE1 deals broadly with protecting all aspects of the historic environment. Alterations to listed buildings are expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. Within conservation areas development will only be permitted that preserves or enhances those elements which contribute to special character or appearance. Design policy D2 protects local character and distinctiveness. Policy D9 deals specifically with advertising and states that signs should be kept to a minimum with usually only one advertisement on each principal frontage. It then goes on to list a number of criteria against which suitability will be judged, including local street character/position/proportionate size/colour/materials and fixings. The council has also published guidance in 2016 titled "Commercial signage and table and chairs on the highway" which explores the issue in greater detail. However the Meeting House does not have a conventional "shopfront" and the guidance cannot readily be applied. However the high quality design and execution of the Meeting House and the monumental nature of the architecture forms a landmark building in the historic street scene which demands an exemplary and bespoke approach to the design and positioning of any signage.

The previous proposal to paint the bookshop name across the existing "Friends Meeting House" name which would have caused harm to the significance of the listed building contrary to Place Making Plan policy HE1 and the NPPF is not included in the current application. Instead the name will be left as it is which addresses reasons for refusal 2 and 3 of 20/04801/LBA and reason 2 of 20/04802/AR.

The other painted timber signboards to be fixed to the outside and inside of the portico have been reduced in size from 2100mm tall by 1020mm wide to 1600mm tall by 900mm. However despite this reduction they would still be large and visually intrusive, dominating and detracting from the design and architectural presence of the Meeting House and impinging detrimentally into the wider streetscene. The overall result would harm the significance of the listed building and the wider character of the conservation area contrary to Place Making Plan policies HE1, D9 and D2.

The existing bookshop frequently advertises temporary events such as book signing. The Design, Access and Heritage Statement page 7 refers to temporary moveable signs being used for this purpose at the Meeting House although no details have been provided. Whilst such signs will not require listed building consent they may still require advertisement consent.

During the processing of these applications the case officer was alerted to a safety issue with the drop to either side of the entrance doors. It would be possible to deliver highly visible signage and guard the drop by designing "railings" incorporating advertising. These railings could be held in place in sockets in the flags allowing them to be deployed during business hours and removed inside the building when the shop is closed.

Council officers have engaged proactively with the scheme architect and put forward a number of ideas for discussion to achieve a more sensitive and creative solution. These have included;

1. Replace fixed signage within portico with well designed freestanding signs that can be taken in at the close of trading each day. Incorporate flexible advertising opportunities such as author book signings into the design to avoid later proliferation of signs.
2. Using the symbol of the book(s) more creatively - straddling the areas of advertising and a more public art approach to signal that the building is now being used as a bookshop.
3. There is a small raised paved area in front of the right hand door where it might be possible to site freestanding business hours advertising without compromising the fire escape.

The applicant has declined to negotiate in regard of the current proposals and the application must be determined on the basis of the submitted drawings.

In determining this application the council are placed under two statutory duties, 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 and to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. These duties are reflected in paragraph 199 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight must always be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.

In this case, in the words of the NPPF the harm is considered to sit in lower half of the less than substantial category. Where the level of harm falls into the less than substantial category paragraph 202 of the Framework is engaged which states that less than substantial harm, should be weighed against the public benefits of the proposal, including securing its optimum viable use. Although, the change to a bookshop will bring the building into beneficial use, this benefit is not outweighed by the level of harm that the signage as proposed would inflict longterm on the heritage asset. This is particularly the case where other viable but less harmful design solutions exist to effectively advertise the business and secure the benefit.

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 as identified, and these have been fully taken into account in the recommendation made.

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. In this case the

signage will harm the significance of the listed building and is for this reason is recommended for refusal.

There is a duty 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 the signage will harm the character of the conservation area and for this reason is recommended for refusal.

## **RECOMMENDATION**

REFUSE

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

1 The proposed signboards would by reason of the number, individual size, positioning and cumulative impact, result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

## **PLANS LIST:**

1 125 3116 P5, 125 3122 P3, 125 1001 P1 dated 24 June 2021.

## **2 Community Infrastructure Levy**

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

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

**Item No:** 05  
**Application No:** 21/02981/AR  
**Site Location:** Friends Meeting House York Street 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:** Advertisement Consent

**Proposal:** External alterations for the installation of 4no. hand painted timber signs fixed onto side and front elevations (Resubmission).

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, 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, Policy CR3 Primary Shopping Areas, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

**Applicant:** Topping & Company Booksellers Limited

**Expiry Date:** 23rd September 2021

**Case Officer:** Caroline Waldron

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

**REPORT**

Application being reported to committee at request of ward councillor because it is recommended for refusal.

The Friends Meeting House is a significant grade II listed building within the Bath World Heritage Site and the designated Conservation Area. The Meeting House, formerly the Freemasons Hall circa 1817 by William Wilkins in Greek Revival Style has a strong presence in the streetscene.

The current application proposes the installation of signage, comprising four timber boards to advertise the bookshop that will shortly occupy the building.

Two boards would be positioned either side of the new central entrance doors, within the portico facing the street (north elevation) and two further boards on the solid return walls of the portico facing east and west along the street. Each board would measure 1600mm tall by 900mm wide. The colour scheme would be Farrow and Ball Gervase Yellow onto Chinese Blue.

Both the existing north elevation doors at either end of the elevation and the recently approved entrance doors would also be painted Chinese blue.

#### Planning history

Parallel listed building consent application 21/02980/LBA also under consideration at this committee.

20/04801/LBA and parallel advertisement regulations application reference 20/04802/AR refused due to the impact on the listed building and conservation area.

#### Reasons 20/04801/LBA

1. The proposed signboards and advertising painted across the frieze would by reason of the number, individual size, positioning and cumulative impact, result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

2. The proposed overpainting of the "Friends Meeting House" name would by concealing key evidence about the buildings historic narrative cause harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policy HE1, the NPPF and published Historic England advice.

3. The proposed overpainting of the "Friends Meeting House" name with the blue and yellow colour scheme at a prominent high level on the building would disrupt the integrity and harmony of the existing design in a way that causes harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policy HE1, D2 and D9, the NPPF and published Historic England advice.

#### Reasons 20/04802/AR

1. The proposed signboards and advertising across the frieze would by reason of the number, individual size, positioning and cumulative impact result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider

streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

2. The proposed overpainting of the "Friends Meeting House" name with the blue and yellow colour scheme at a prominent high level on the building would disrupt the integrity and harmony of the existing design in a way that causes harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policy HE1, D2 and D9, the NPPF and published Historic England advice.

20/04050/LBA and 20/4049/FUL change of use and associated internal and external alterations to facilitate conversion from place of worship to retail. The external changes include introducing a functioning entrance into what is currently a blind opening within the portico approached by new steps.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Parish Council: NA  
Historic England NA  
Other representations

Bath Heritage Watchdog objects to this application in its current format.

When determining all applications for new shopfronts and signage they ask that the following guidelines are observed.

- The context, or general setting, of Bath should be understood, respected and reflected in any proposed work to shopfronts.
- Design, materials and workmanship should be of the highest quality.
- Any proposed or altered shopfront should be historically credible.
- House styles which do not meet the requirements of style, lettering, materials and signs are not acceptable. Multiples should be required to adapt their proposals to the special conditions of the city.
- Standard designs of any sort are not acceptable. They should be specifically designed for their context.

They strongly disagree with the statement in the Design and Access Statement that there are no symbols, signage or references to the building's original use as a Masonic Hall visible on any of the external elevations.'. They point out that the blind doorway is (was) the most obvious sign of a masonic hall ('the road to enlightenment is not always obvious'), the side elevations retain their cast iron rainwater heads with Masonic devices, the east/west orientation and subordinate doorways enabling entrance from the west also signify a masonic hall.

They welcome the retention of the portico frieze and the proposed use of freestanding signage within the demise of the building during opening hours. There should be a caveat in this in that the use of flag signs and anything illuminated cannot be supported.

They support the amended the signage to the external elevations of the portico

The signage inside the portico is not not necessary as it was the opening of the blind doorway was required to serve as an obvious entrance. Whilst the two signs maintain symmetry, they say the same thing and do not really serve any purpose.

There is ample room in the portico for bespoke freestanding signage and this , which would allow the building to be appreciated out of hours without the signs.

The works as proposed are considered to be detrimental to the special architectural and historic character and interest of the listed building, adjacent listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 'Conserving & Enhancing the Historic Environment of the NPPF and Policies DW1, CP6, D1, D2, D3, D9, D10, and HE1 of the Core Strategy and Placemaking Plan and should be revised or else refused in its current format.

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

## **RELEVANT CORE STRATEGY POLICIES**

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

- CP6 - Environmental quality
- B4 - The World Heritage Site
- CP1 Retrofitting Existing Buildings
- CP2 Sustainable Construction

## **RELEVANT PLACEMAKING PLAN**

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

- HE1 Historic Environment
- D2 Local character and distinctiveness
- D9 Advertisements and outdoor street furniture

Commercial signage and tables and chairs on the highway, Design and Conservation Guidance, July 2016

National Planning Policy Framework (2021) and the National Planning Practice Guidance can be awarded significant weight.

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 National Planning Policy Framework, paragraph 136 states that the quality and character of places can suffer when advertisements are poorly sited and designed.. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact. Accordingly advertisements will be assessed with regard to visual amenity, cumulative impact, and public safety.

Highways confirmed in connection with the previous applications that as the proposed signs will not overhang the public highway they have no objection. The signs are not considered to cause any other public safety issues and the rest of this report will therefore focus on the issue of visual amenity. In practice amenity should be regarded as the effect on visual amenity in the immediate neighbourhood of the advertisement. The key consideration is whether the signage is in scale and keeping with the local characteristics of the neighbourhood such as scenic, historic, architectural or cultural features.

Other material considerations regarding the impact of the works solely on the significance of the listed building have been considered through the parallel listed building consent application 21/02980/LBA.

The Friends Meeting House a Grade II listed building sits within the Bath World Heritage Site and the heart of the designated conservation area, in close proximity to the Roman Baths and the Abbey.

It was built circa 1817 - 1819 in Greek-Revival style as a Freemasons' Hall, designed by William Wilkins. The portico contains a symbolically blind doorway with functional flanking entrances. The interior great hall is lit by two circular glazed lanterns.



The building proved to be too expensive for the freemasons to maintain and it was then used as an assembly room and non-conformist chapel in the 1830's until it was leased as the Bethesda Chapel in 1842 (the date on the portico). The windows on the front elevation were originally blind but were opened during the use as an assembly room and non-conformist chapel. The Religious Society of Friends (The Quakers) took over the building in 1866.

Planning permission and listed building consent for a change of use to retail (bookshop) and associated alterations has recently been granted. The scheme of work is interventionist and includes replacing the symbolic blind central opening with functioning doors approached by new generously proportioned steps. This will in itself signal a change in the use of the building and welcome people in. During opening hours the doors will be left and open and the interior will be protected by sliding glass doors which could incorporate advertising as manifestation.

There is no objection to the principle of introducing new signage to the exterior of the building. The policy context for considering proposals is Place Making Plan policies D9, D2 and HE1. Policy HE1 deals broadly with protecting all aspects of the historic environment. Alterations to listed buildings are expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. Within conservation areas development will only be permitted that preserves or enhances those elements which contribute to special character or appearance. Design policy D2 protects local character and distinctiveness. Policy D9 deals specifically with advertising and states that signs should be kept to a minimum with usually only one advertisement on each principal frontage. It then goes on to list a number of criteria against which suitability will be judged, including local street character/position/proportionate size/colour/materials and fixings. The council has also published guidance in 2016 titled "Commercial signage and table and chairs on the highway" which explores the issue in greater detail. However the Meeting House does not have a conventional "shopfront" and the guidance cannot readily be applied. However the high quality design and execution of the Meeting House and the monumental nature of the architecture forms a landmark building in the historic street scene which demands an exemplary and bespoke approach to the design and positioning of any signage.

The previous proposal to paint the bookshop name across the existing "Friends Meeting House" name which would have caused harm to the significance of the listed building contrary to Place Making Plan policy HE1 and the NPPF is not included in the current application. Instead the name will be left as it is which addresses reasons for refusal 2 and 3 of 20/04801/LBA and reason 2 of 20/04802/AR.

The other painted timber signboards to be fixed to the outside and inside of the portico have been reduced in size from 2100mm tall by 1020mm wide to 1600mm tall by 900mm. However despite this reduction they would still be large and visually intrusive, dominating and detracting from the design and architectural presence of the Meeting House and impinging detrimentally into the wider streetscene. The overall result would harm the significance of the listed building and the wider character of the conservation area contrary to Place Making Plan policies HE1, D9 and D2.

The existing bookshop frequently advertises temporary events such book signing. The Design, Access and Heritage Statement page 7 refers to temporary moveable signs

being used for this purpose at the Meeting House although no details details have been provided. Whilst such signs will not require listed building consent they may still require advertisement consent.

During the processing of these applications the case officer was alerted to a safety issue with the drop to either side of the entrance doors. It would possible to deliver highly visible signage and guard the drop by designing "railings" incorporating advertising. These railings could be held in place in sockets in the flags allowing them to be deployed during business hours and removed inside the building when the shop is closed.

Council officers have engaged proactively with the scheme architect and put forward a number of ideas for discussion to achieve a more sensitive and creative solution that would still effectively advertise the business. These have included;

1. Replace fixed signage within portico with well designed freestanding signs that can be taken in at the close of trading each day. Incorporate flexible advertising opportunities such as author book signings into the design to avoid later proliferation of signs.
2. Using the symbol of the book(s) more creatively - straddling the areas of advertising and a more public art approach to signal that the building is now being used as a bookshop.
3. There is a small raised paved area in front of the right hand door where it might be possible to site freestanding business hours advertising without compromising the fire escape.

The applicant has declined to negotiate in relation to the current proposals and the application must be determined on the basis of the submitted drawings.

There is a duty 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 the signage will harm the character of the conservation area and for this reason is recommended for refusal.

## **RECOMMENDATION**

REFUSE

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

1 The proposed signboards and advertising across the frieze would by reason of the number, individual size, positioning and cumulative impact result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

## **PLANS LIST:**

1 125 3116 P5, 125 3122 P3, 125 1001 P1 dated 24 June 2021.

## **2 Community Infrastructure Levy**

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

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

**Item No:** 06  
**Application No:** 21/02883/FUL  
**Site Location:** Hunters Quest Iford Close Saltford Bristol Bath And North East Somerset



**Ward:** Saltford                      **Parish:** Saltford                      **LB Grade:** N/A  
**Ward Members:** Councillor Duncan Hounsell                      Councillor Alastair Singleton  
**Application Type:** Full Application  
**Proposal:** Demolition of existing bungalow and erection of 2no semi detached houses/garages and 1no flat with associated parking, landscaping and widened access.  
**Constraints:** Agricultural Land Classification, Policy CP9 Affordable Housing Zones, Housing Development Boundary, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,  
**Applicant:** The Urban Reno Company  
**Expiry Date:** 19th August 2021  
**Case Officer:** Samantha Mason  
To view the case click on the link [here](#).

## REPORT

Reason for Committee:

The officer recommends refusal, the parish council support the scheme, and the local ward councillors has requested it be heard at committee in event that the recommendation is to refuse.

The application was recommended to the Chair, who stated in her decision; 'I have reviewed this application and note that it is supported by both the ward councillor and Saltford Parish Council (subject to conditions). The balance to strike is between the impact of this design on the local context and the potential for an addition to the local housing mix

(the reason for the ward councillors support). I believe that it would be useful to have this debated in the public forum of the committee.'

**Description:**

The application refers to the site of an existing bungalow within the Saltford Housing Development Boundary.

Planning permission is sought for the demolition of the existing bungalow and erection of 2no semidetached houses/garages and 1no flat with associated parking, landscaping and widened access.

**Relevant Planning History:**

DC - 20/01032/FUL - PERMIT - 15 June 2020 - Erection of 2no. semi detached houses and garages with associated parking and landscaping following demolition of existing bungalow.

DC - 20/02494/COND - SPLIT - 12 August 2020 - Discharge of condition 4, 5, 7, 8, 9 and 12 of application 20/01032/FUL (Erection of 2no. semi detached houses and garages with associated parking and landscaping following demolition of existing bungalow)

**SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

**SALTFORD PARISH COUNCIL:**

7 July: Subject to the applicant successfully gaining possessory title for the small parcel of land by the site's access in Iford Close, Saltford Parish Council is supportive in principle of the proposals including the new addition of a one-bedroom apartment and improvements to parking provision.

To maintain and enhance local biodiversity we repeat our request made in responding to 20/01032/FUL that the new or replacement trees chosen for planting on this site are in accordance with the list of tree species ecologically appropriate to Saltford as published by Saltford Environment Group at <http://www.saltfordenvironmentgroup.org.uk/wildlife.html#appropriate-trees>; the trees listed in the Soft Landscaping Scheme document HQ/P2/06 includes tree species that do not meet that request, e.g. *Betula pendula* (Silver Birch), an upland tree.

As this is an area of sheltered housing our original request that during construction access is protected at all times for Iford Close and Hinton Close remains and we ask that the construction management plan's statement that "all construction works will be undertaken with full consideration given to the safety and convenience of the general public and neighbours" be fully adhered to.

**HIGHWAYS:**

28 June: Further information required

## DRAINAGE AND FLOODING:

15 July: No objection subject to conditions

## ARBORICULTURE:

10 Aug: No objection subject to conditions

## ECOLOGY:

26 July: No objection subject to conditions

## Representations Received :

Cllr Singleton: I wish this application be determined at the planning committee should the case officer recommend refusal. There is an existing permission 20/01032/FUL for the erection of 2 semi-detached houses and garages with associated parking and landscaping following demolition of a poorly constructed bungalow. Construction of the semi-detached houses is advanced and nearing completion. The new application seeks to add one flat above the separate garage block, with parking. The overall plot is quite large. In addition a neglected piece of land is being acquired at the front entrance from the highway to enable good access and egress to all the residents on the site. The new flat requires the height of that building to be raised a modest amount. There is no risk of overlooking. The proposed windows will introduce some symmetry and balance to the site as a whole. The site is self-contained and the new flat above the garage will not detract from the street scene. It is at a corner close to a set of Curo owned garages. Neighbouring bungalows in Iford Close are some distance away from the proposed flat and they are set back from the highway. The flat will add to the mix of properties in Saltford. I support this application.

## **POLICIES/LEGISLATION**

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

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

Core Strategy:

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

CP2: Sustainable Construction  
CP6: Environmental Quality  
CP10: Housing Mix  
DW1: District Wide Spatial Strategy  
SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles  
D2: Local character and distinctiveness  
D.3: Urban fabric  
D.5: Building design  
D.6: Amenity  
D7: Infill and backland development  
NE6: Trees and woodland conservation  
RA1: Development in the villages meeting the listed criteria  
ST7: Transport requirements for managing development  
H7: Housing accessibility  
SCR1: On-site renewable energy requirement  
SCR5: Water efficiency  
SU1: Sustainable drainage policy  
LCR9: Increasing the provision of local food growing  
PC55: Contamination

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

## 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 applicant seeks permission for the demolition of an existing bungalow and the erection of two semi-detached houses and garages and one flat with associated parking,

landscaping, and widened access at Hunters Quest. The site was the subject of the previous application 20/01032/FUL which sought permission for the erection of two semi-detached houses and garages with associated parking and landscaping following the demolition of an existing bungalow.

The main issues to consider are:

- Principle of development
- Character and appearance
- Residential amenity
- Highways matters
- Drainage and flooding
- Trees
- Ecology
- Sustainable construction
- Any other matters

#### PRINCIPLE OF DEVELOPMENT:

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

#### CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness.

The proposed dwellings are identical to those proposed under application 20/01032/FUL, their character and appearance are considered acceptable.

The proposed additional garage to the west of the site is considered acceptable.

The proposed flat will be located above the originally proposed double garage building in the east of the site. The original garage did have a pitched roof with cedar clad walls, the materials proposed remain the same.

The proposed garage and flat building will now be increased in height to accommodate the flat. The front elevation is extended forward to incorporate a front door with a canopy area either side for parking with the garages behind. The front elevation appears contrived in order to accommodate the front access to the flat.

The flat will essentially be located in the pitched roof form which appears disproportionately large in relation to the entire building and is not in keeping with the street scene. There will be a large dormer windows incorporating a Juliette balcony, again not characteristic of the area. The roof form appears cluttered with rooflights and solar panels. Whilst there are flats locally there are none located over garage. All the surrounding flats are in purpose-built blocks. It is considered the flat will read as an



incongruous addition within the street scene and will appear to be located in the dwellings garden given the shared garage beneath. No other dwelling houses have such a garage/flat combo located in such a way.

Overall, the proposal by reason of its design, siting, massing, and layout is considered unacceptable by failing to respond to the local context and failing to maintain the character and appearance of the surrounding area.

The proposal fails to accord with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

#### RESIDENTIAL AMENITY:

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

The proposed dwellings were previously found acceptable in terms of residential amenity.

The additional flats main outlook will be from the front elevation looking towards the parking and front amenity space of plots 1 and 2. This is considered acceptable.

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

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

#### HIGHWAYS SAFETY AND PARKING:

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

Vehicular access to the application site is proposed to be taken via the existing access which the applicant proposes to widen. Submitted plan reference HQ/P2/04 demonstrates that the existing vehicular access will be widened to approximately 5.9-metres which exceeds the minimum requirement of 4.1-metres required by Manual for Streets (MfS) to allow cars travelling in opposing directions to safely pass one another.

Interrogation of the CrashMap database reveals that there have been no Personal Injury Collisions (PICs) recorded on Iford Close in the previous 60-months, therefore HDC officers are satisfied that the continued use of the widened vehicular access will not be prejudicial to highway safety.

The same plan also indicates that there is sufficient space within the application site to enable the driver of a car to manoeuvre their vehicle such that it can enter the adopted public highway in a forward gear, which is acceptable in highway safety terms.

The two, three-bedroom houses and one, one-bedroom flat require the provision of five off-street, car parking spaces:

- o o Two, two-bedroom houses - four spaces at a ratio of two spaces per dwelling;
- and
- o o One, one-bedroom flat - one space at a ratio of one space per unit.

Plots 1 and 2 (the 2 bed dwellings) are both shown as having two spaces. These comprise one garage space and one off street space. Plot 3 (the 1 bed flat) has one 1 parking space plus store. The requirements are met.

Cycle stores are shown in the garden of each dwelling and in the internal store beneath the proposed flat.

A Construction Management Plan (CMP) has been submitted in support of the application and, having reviewed the CMP with colleagues from the 'Street Works' team, HDC officers confirm that the plan is acceptable.

The submitted 'Waste Management Plan' confirms that refuse and recycling will be collected from the kerbside, which is acceptable.

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

#### SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

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

For minor new build development a 19% reduction in CO2 emissions is required by sustainable construction. In this case the submitted SCC shows that a 19.24% CO2 emissions reduction has been achieved from energy efficiency and/or renewables. Therefore the proposed development is

compliant with policy CP2 in this instance.

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

This can be secured by condition.

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

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

#### TREES:

The position of the two dwellings is identical to the previously approved planning application, 20/01032/FUL. The additional living quarters are within the footprint of the previously approved garage. Arboricultural matters are therefore confined to the widening of the access and the introduction of a new garage.

The revised proposal results in the loss of the cedar in addition to others previously identified for Removal. No arboricultural objection is raised to the proposed tree removals subject to mitigation planting.

The proposal means that condition 6 (Arboricultural Method Statement) of the approved scheme can no longer be complied with but no updated arboricultural information has been provided with this application. The current application reduces the precautionary measures necessary such as the installation of the cellular confinement system and fencing. The submission of a simple tree protection plan would address this omission, should the application have been recommended for permission.

#### ECOLOGY:

The Preliminary Ecological Appraisal and Preliminary Roost Assessment and Bat Emergence and Re-entry Surveys reports V3 (Arbtech, May 2021) have been resubmitted with minor updates.

The scheme does not differ significantly in ecological impacts from the scheme submitted for 20/01302/FUL to which there were no ecological objections. Minor amendments including a specification for external lighting would be required for the Wildlife Protection and Enhancement Scheme to be acceptable/enforceable. Conditions were recommended by the Council Ecologist.

## CONCLUSION:

It is therefore considered that the proposal fails to comply with the relevant planning policies as outlined above and the proposal is recommended for refusal.

## RECOMMENDATION

REFUSE

## REASON(S) FOR REFUSAL

1 The proposed flat and garage building, by reason of its design, siting, massing, and layout is considered unacceptable as it fails to respond to the local context and fails to maintain the character and appearance of the surrounding area. The proposal therefore fails to accord with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

## PLANS LIST:

1 This decision relates to the following plans:

18 Jun 2021 Hq/P2/01 Houses Plans And Elevations  
18 Jun 2021 Hq/P2/02 House Section Roof Plan Garage And Bike Shed  
18 Jun 2021 Hq/P2/04 Block Plan  
18 Jun 2021 Hq/P2/05 Materials  
18 Jun 2021 Hq/P2/06 Soft Landscaping Scheme  
18 Jun 2021 Hq/P2/07 Artists Impressions  
18 Jun 2021 Hq/P2/08 Location Plan  
18 Jun 2021 Hq/P2/09 Existing Bungalow And Garage  
18 Jun 2021 Hq/P2/10 Level Comparisons  
18 Jun 2021 Iford-01 Topographical Survey  
19 Jul 2021 P2pp Parking Provision  
19 Jul 2021 P203a Garages Apartment Plans And Elevations

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

### 3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal

against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Planning Committee</b>
<b>MEETING DATE:</b>	<b>22<sup>nd</sup> September 2021</b>
<b>RESPONSIBLE OFFICER:</b>	Simon de Beer – Head of Planning
<b>TITLE:</b>	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>
<b>WARD:</b>	ALL
<b>BACKGROUND PAPERS:</b>	None
<b>AN OPEN PUBLIC ITEM</b>	

**APPEALS LODGED**

**App. Ref:** 21/00308/FUL  
**Location:** Lower Maisonette 4 Albion Terrace Kingsmead Bath Bath And North East Somerset  
**Proposal:** External and internal works for the erection of a single storey rear extension atop the existing bathroom and the installation of a flat glass sky light to cover the open trench at the front entrance  
**Decision:** REFUSE  
**Decision Date:** 23 March 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 26 August 2021

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**App. Ref:** 21/01131/FUL  
**Location:** Shockerwick Cottage Shockerwick Lane Bathford Bath Bath And North East Somerset  
**Proposal:** Proposed conversion of the 1980s garage structure to residential accommodation; including the erection of a first floor extension, side extension and amendments to the fenestration of the garage and existing link extension. Further works include the removal of the existing shed, as well as the removal of the stable door to the kitchen and reinstating window.  
**Decision:** REFUSE  
**Decision Date:** 5 July 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 26 August 2021

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**App. Ref:** 21/01132/LBA

**Location:** Shockerwick Cottage Shockerwick Lane Bathford Bath Bath And North East Somerset

**Proposal:** Internal and external works for the conversion of the 1980s garage structure to residential accommodation; including the erection of a first floor extension, side extension and amendments to the fenestration of the garage and existing link extension. Further works include the removal of the existing shed, as well as the removal of the stable door to the kitchen and reinstating window.

**Decision:** REFUSE

**Decision Date:** 5 July 2021

**Decision Level:** Delegated

**Appeal Lodged:** 26 August 2021

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## APPEALS DECIDED

**App. Ref:** 20/03663/FUL  
**Location:** 29 Belvedere Lansdown Bath Bath And North East Somerset BA1 5HR  
**Proposal:** Change of use of ground floor from an existing workshop (Use Class E) to form a new live work unit (Use Class C3) over the ground and basement level and associated internal and external alterations.  
**Decision:** REFUSE  
**Decision Date:** 19 February 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 8 June 2021  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 24 August 2021

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**App. Ref:** 20/03608/FUL  
**Location:** Unit 9 Riverside Court Westmoreland Bath Bath And North East Somerset  
**Proposal:** Change of use of vacant office (B1a) floorspace to create three 1 bed self contained flats (C3) on the first and second floors, with communal office floorspace on the ground floor  
**Decision:** REFUSE  
**Decision Date:** 14 January 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 26 May 2021  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 26 August 2021

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**App. Ref:** 20/00259/FUL  
**Location:** Homebase Ltd Pines Way Westmoreland Bath Bath And North East Somerset  
**Proposal:** Redevelopment of the site to provide a new care community (Use Class C2) comprising care residences and care suites and ancillary communal, care and well-being facilities, offices in Use Class E(g)(i) together with associated back of house and service areas, pedestrian and vehicular access, car and cycle parking, landscaping, private amenity space and public open space.  
**Decision:** REFUSE  
**Decision Date:** 5 January 2021  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 18 March 2021  
**Appeal Decision:** Appeal Allowed  
**Appeal Decided Date:** 2 September 2021

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## **FORTHCOMING HEARINGS & INQUIRIES**

**App. Ref:** 19/05165/ERES

**Location:** Western Riverside Development Area, Midland Road, Westmoreland, Bath

**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.

**Decision:** REFUSE

**Decision Date:** 27th August 2020

**Decision Level:** Committee

**Appeal Lodged:** 25<sup>th</sup> February 2021

**Hearing to be held on 19th October at Guildhall, Bath**

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