Bath & North East Somerset Council

Improving People's Lives

Planning Committee

Date: **Wednesday, 26th July, 2023**
Time: **11.00 am**
Venue: **Brunswick Room - Guildhall, Bath**

Agenda

To: All Members of the Planning Committee

Councillors:- Duncan Hounsell, Ian Halsall, Paul Crossley, Lucy Hodge, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson and Tim Warren CBE
Permanent Substitutes:- Councillors: Ruth Malloy and Fiona Gourley

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.

Corrina Haskins
Democratic Services
Lewis House, Manvers Street, Bath, BA1 1JG
Telephone: 01225 39 4435
Web-site - http://www.bathnes.gov.uk
E-mail: Democratic_Services@bathnes.gov.uk

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

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

Paper copies are available for inspection at the Guildhall - Bath.

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. 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, 26th July, 2023

at 11.00 am in the Brunswick Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

   The Democratic Services Officer will 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 4.4 Appendix 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 CHAIR

5. ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS

   To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to Democratic Services 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 - 14)

   To confirm the minutes of the meeting held on 28 June 2023 as a correct record for signing by the Chair.

7. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 15 - 124)

   The following items will be considered at 11am:

1. 23/00895/FUL Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath.
2. 22/04431/FUL Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath.

The following items will be considered at 2pm:

3. 22/03580/FUL Former Welton Bibby And Baron Factory, Station Road, Welton, Midsomer Norton.
4. 22/01861/FUL The Old Farmhouse , Withyditch, Dunkerton, Bath.
5. 22/01862/LBA The Old Farmhouse , Withyditch, Dunkerton, Bath

8. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 125 - 128)

   The Committee is asked to note the report.

9. QUARTERLY PERFORMANCE REPORT COVERING PERIOD 1 APRIL - 30 JUNE 2023 (Pages 129 - 136)

   The Committee is asked to note the Quarterly Performance Report.

The Democratic Services Officer for this meeting is Corrina Haskins who can be contacted on 01225 394357.

Delegated List Web Link: https://beta.bathnes.gov.uk/document-and-policy-library/delegated-planning-decisions

Bath and North East Somerset Council

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 28th June, 2023, 11.00 am

Councillors: Duncan Hounsell (Chair), Ian Halsall (Vice-Chair), Lucy Hodge, Toby Simon, Shaun Hughes, Dr Eleanor Jackson, Tim Warren CBE and Fiona Gourley

12 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted by Cllr Hal MacFie, Cllr Fiona Gourley was in attendance as his substitute.

14 DECLARATIONS OF INTEREST

In relation to application 22/04720/FUL - The University Of Bath, Eastern Sports Field, Sports Training Village, University Of Bath Campus, Claverton Down, Bath:

Cllr Tim Warren declared in the interest of transparency, that he had attended a dinner hosted by the University of Bath in 2019 during his time as leader of Council and that having sought legal advice he was able to confirm that this would not prejudice him in considering this item and that he had not prejudged the application.

Cllr Fiona Gourley declared in the interest of transparency, that she had worked at the University of Bath for 3 years 10 years ago and that having sought legal advice she was able to confirm that this would not prejudice her in considering this item and that she had not prejudged the application.

Cllr Duncan Hounsell stated that a number of Members may have had contact with the University but that they fulfilled their legal obligation to consider applications with an open mind.

15 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

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

The Democratic Services Officer informed the meeting of the procedure for making statements on planning applications and that this would be at the time when these items were discussed.

17 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on Wednesday 7 June 2023 were confirmed as a correct record and signed by the Chair.

18 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

There were no site visit applications for consideration.

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

The Committee considered:

A report and update report by the Head of Planning on various planning applications under the main applications list.

Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 1 to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the Main decisions list attached as Appendix 2 to these minutes.

(1) 22/04431/FUL - Lower Bristol Road, Westmoreland, Bath

The Case Officer introduced her report which considered an application for the redevelopment of the former laundry services site to provide a three-storey building plus inset mansard roof comprising self-storage units
with ancillary Business Centre Facility, signage and associated works.

She gave a verbal update in relation to the documents submitted by the applicant with a view to negating the need for pre-commencement conditions:

1. The Wildlife Protection and Enhancement Scheme was considered acceptable by the Council's Ecologist and so the relevant condition could be revised to compliance.
2. The Council's Arboricultural Officer was reviewing the Tree Protection Plan and Arboricultural Method Statement and as the officer recommendation was delegated to permit, this could be revised once it had been reviewed.

She also reported that a Gull Management Plan had been submitted and reviewed by the Council Officer who considered it to be satisfactory although suggested that further improvements could be made. It was the Case Officer's view that it would not be reasonable to suggest further amendments and recommended revising the pre-commencement condition to compliance.

She confirmed her recommendation that officers be delegated to permit the application subject to:

1. the completion of a Section 106 Agreement to secure:
    a. A refundable Travel Plan Bond of £77, 443 and non-refundable monitoring

fee of £4,775.

b. A financial contribution of £6,545 towards Targeted Training and Recruitment

2. the conditions set out in the report and additional conditions/amended conditions in the update report and verbal report.

The following public representations were received:
1. Mike Lamplough supporting the application.
2. Alex Sherman, Bath Preservation Trust, objecting to the application.

In response to Members' questions, it was confirmed:
1. In terms of materials, Bath stone ashlar was proposed on the front and a metal cladding on the side with no windows to avoid overlooking. There was a proposed condition to ensure a sample of the materials would be submitted and approved in advance. The applicant had worked with the Council to amend the design in balance with the use of building.
2. In relation to the site being a flood risk due to its proximity to the river, the applicant had submitted a sequential test which was passed by appropriate authorities.
3. The adjacent St Peters Place was a non-designated heritage asset.
4. The proposed storage could benefit small businesses, but it was not restricted to business use and could also be used for residential storage.
5. In terms of light shadowing, a study had been carried out and there was some difference during the summer months, but this was not considered to be of significant impact to warrant a refusal.
6. The proposed building was tall, but officers considered that its positioning set back on the site mitigated this and the height massing was considered to be acceptable.
7. The Economic Development Team supported this type of development as there was an identified need in the city.
8. There was no vehicular access from the back of the site and goods would be moved from the site via a loading bay and lift.
9. The nearby school was approximately 6-8m from the boundary of the site.

Cllr Ian Halsall stated that the pre-committee site visit was useful to understand the context of the development and that Lower Bristol Road was mixed use in terms of industrial, student accommodation and other residential. In relation to the application, he stated that he was pleased that the employment use of the site was being maintained with economic benefits to support businesses in the city. He expressed the view that although the building was large, it was sensitive to its context; set back into the site with a good design and ecological benefits.

Cllr Shaun Hughes stated that he broadly supported the application; he welcomed a commercial use to balance the recent residential developments and was satisfied that the development was located away from St Peters Place and the road to minimise impact. He stated he hoped that the business model would support the use of the facility by local businesses.

Cllr Lucy Hodge stated that she supported the proposed use of the site but was not happy with the design and was also concerned about the height of the proposed building.

Cllr Eleanor Jackson stated that a reasonable case had been put forward to support the application and she moved the recommendation that officers be delegated to permit the application. This was seconded by Cllr Tim Warren.

On being put to the vote the motion was CARRIED (6 in favour, 2 against):

RESOLVED that officers be delegated to permit the application subject to:

1. the completion of a Section 106 Agreement to secure:
    a. A refundable Travel Plan Bond of £77, 443 and non-refundable monitoring fee of £4,775.
    b. A financial contribution of £6,545 towards Targeted Training and Recruitment
2. the conditions set out in the report and additional conditions/amended conditions in the update report and verbal report.

(2) 22/04720/FUL - The University Of Bath, Eastern Sports Field, Sports Training Village, University Of Bath Campus, Claverton Down, Bath

The Case Officer introduced her report which considered the application for the construction of a floodlit, recyclable all-weather turf pitch and MultiUse Games Area (MUGA), and additional lighting to the existing training strip.

She reported that:

1. Policy SB19 set out the overall development framework plan for the University of Bath Claverton Down Campus and this policy had been updated from the Placemaking Plan through the Local Plan Partial Update (LPPU).
2. Policy SB19 set out that new purpose-built student accommodation (PBSA) would be provided on an area which was currently grass pitches and this application for a 3G pitch would replace these grass pitches.
3. In terms of the proposed floodlighting, the applicant had submitted a detailed lighting report and the lights would be 18.3m high compared with 15.2m high on the adjacent site.
4. In terms of opportunities for community use, the facilities could be booked by members of the public and there was a recommended condition in relation to community use provision.

She confirmed her recommendation that officers be delegated to permit the application subject to:

1. the completion of a Section 106 Agreement to secure the provision of off-site biodiversity net gain and the long-term management of this land.

2. the conditions set out in the report.

The following public representations were received:

1. Mark Rose, agent, speaking in support of the application.
2. Alex Hansen, local resident and Alex Sherman, Bath Preservation Trust speaking against the application.

Cllr Manda Rigby was in attendance as local ward member and raised the following issues:

1. The proposal for floodlighting was not completely compliant with policy SB19 in terms of minimising the amount of dusk to and dawn illumination.
2. The height of the proposed fence was obtrusive and created an unsafe area which was out of keeping with the area.
3. The Committee should give weight to the objection from the statutory consultee, Sport England.
4. She urged the Committee to reject the application as the size and scale of proposed fence and floodlights were not total compliant with policy SB19 and policies relating to sites in areas of outstanding natural beauty.

In response to Members' questions, it was confirmed:

1. This application had been submitted in advance of the application for PBSA but there was nothing to preclude this sequence. The application needed to be considered on its merits, but consideration could be given to the reason that the site had been allocated for this use which was to offset the proposed PBSA.
2. There was no conflict with this application in relation to any conditions relating to previous consents.
3. There was no restriction on certain groups (e.g., staff) using the pitches as they were available for community use.
4. In relation to concerns about Bechstein bats, the Council's ecologist and Natural England were satisfied that appropriate mitigations were in place to protect the species. The proposed fence would create a buffer against light spill.
5. There were parking facilities on the site and officers did not think there was a risk of vehicles parking elsewhere to access the facilities.
6. Sport England had objected on the grounds that the proposed artificial pitches were not considered to be equivalent or better to the existing grass pitches due to design and siting.
7. If the Committee was minded to approve the application, the decision may be called in to the Secretary of State due to the Sport England objection. If the Committee was minded to refuse, the applicant could appeal. The financial costs of either scenario was not a material consideration to be weighed in the planning balance, it merely relating to the extent of care that a Committee should take in making its decision.
8. A noise assessment had not been required as there were already similar facilities on the site.

9. The artificial pitches had a 25-year lifespan.

10. The university site was not included in the green belt area and so the proposed fence could not judged against green belt policies.

Cllr Shaun Hughes expressed concern about the impact of the proposed floodlights on the Beckstein bats and the obtrusiveness of the fence and moved that the application be refused. Cllr Eleanor Jackson seconded the motion on the grounds that the proposal was not acceptable in view of the conflict with Council policies relating to the needs of a protected species as evidenced by objectors; the objections raised by Sport England and aesthetic concerns about the fence as well as its impact on the public right of way.

Cllr Ian Halsall agreed that the fencing was obtrusive but recognised that this would be short term due to landscaping and also that the fencing was necessary to protect the bats. He acknowledged that the principle of development had been accepted in the masterplan, but the detail and impact of the application required consideration.

Cllr Tim Warren stated that although he did not like the design of the fence, he recognised that it was necessary to mitigate ecology concerns. He stated that he was minded to support the application as he did not think there were reasons to justify a refusal.

Cllr Toby Simon stated that it was difficult to sustain an ecology objection without the support of the Council's Ecologist and that the high fence was required to mitigate ecology concerns. He did not consider there to be an impact on local residents and did not consider the arguments strong enough to support refusing the application.

In response to a question as to whether the Committee could consider an alternative proposal to delegate to permit the development with alternative plans coming back to address the light spill and ecological concerns, the Team Manager (Development Management) confirmed that the Committee could only make a decision on the application as submitted.

On being put to the vote the motion was NOT CARRIED (2 in favour, 6 against)

Cllr Ian Halsall stated that the negative issues were outweighed by the public benefit and that landscaping would reduce the impact of the fence.

He moved that officers be delegated to permit the application for the reasons set out in the report. This was seconded by Cllr Toby Simon.

On being put to the vote the motion was CARRIED (6 in favour, 2 against).

RESOLVED that officers be delegated to permit the application subject to:

1. the completion of a Section 106 Agreement to secure the provision of off-site biodiversity net gain and the long-term management of this land

2. the conditions set out in the report.

(3) 23/00895/FUL – Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath

The Case Officer introduced her report which considered the erection of two detached dwellings with associated means of access, car parking and associated infrastructure following the demolition of existing dwelling and outbuilding.

She gave a verbal update to list the plans as these were omitted from the original report. She also reported that one additional objection had been received in relation to issues that had already been addressed in the report. She confirmed that there was prior approval to demolish the cottage under permitted development rights and so the principle of the loss of the cottage had been established.

She confirmed her recommendation that permission be granted subject to the conditions set out in the report.
The following public representations were received:

1. Tom Rocke, agent supporting to the application.
2. Chris Parkin, local resident, objecting to the application.

Cllr Joanna Wright was in attendance as local ward member and raised the following issues:

1. The previous application was refused, and this was upheld on appeal.
2. The new application was an over-development of the site and would cause harm to the character and appearance of the area.
3. There were residential amenity concerns including overlooking of the neighbouring property.
4. There were concerns that the historic migration route of toads would be lost.
5. There was poor transport accessibility for plot 2.

She asked the Committee to refuse the application or defer for a site visit.

In response to Members' questions, it was confirmed:

1. The application met sustainable construction standards and the design of the roofs were considered acceptable.
2. The site was accessible by bus services.
3. The Council's ecologist had not objected to the application subject to the measures to protect the migration of amphibians as set out in the conditions.
4. In terms of overlooking, it was the officer view that the distance between properties was acceptable and would not warrant refusal of the application. There were no objective standards for overlooking, this was a planning judgement.
5. The omission of the plans list from the report was not a reason to delay making a decision as they were available on the website and had been read out to the committee in the oral update.

Cllr Eleanor Jackson proposed that a decision be deferred pending a visit to the site. She stated that the site was located on the threshold of the suburban and rural areas, and it was only possible to understand the balance by visiting the site. This was seconded by Cllr Lucy Hodge.

Cllr Shaun Hughes agreed with the proposal for a site visit due to the unusual topography of the site.

Cllrs Ian Halsall and Toby Simon expressed the view that the Committee had enough information to take a decision without visiting the site.

On being put to the vote the motion was CARRIED (5 in favour, 3 against).

RESOLVED that a decision be deferred pending a site visit.

(4) 23/01067/VAR - Land Between Three Gables And Paysons Croft, Church Lane, Bishop Sutton

The Planning Officer introduced the report which considered an application for the variation of condition 7 of application 20/00257/FUL (Erection of dwelling). She confirmed that the application was a variation to the original application under Section 73 of the Town and Country Planning Act.

She confirmed the officer recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:
1. Nigel Clarke, agent, speaking in support of the application.

In response to Members' questions, it was confirmed:
1. The Committee could not make a decision on the principle of development as this had already been established by permitting the original application. Only the variation to condition 7 could be considered which sought to modify the design of the dwelling.
2. The footpath of the new design was smaller than the original design.
3. The new design included solar panels and was more sustainable than the previous design. There were no properties to the rear and so there would be no visual impact caused by the solar panels.
4. The type of variation that was acceptable under the Section 73 process was determined by statute and case law and this application had been legitimately made under that section.
5. The application had been referred to the committee under the scheme of delegation because the Parish Council had raised objections.

Cllr Ian Halsall stated that the variation was an improved and more sustainable design and proposed that permission be granted. This was seconded by Cllr Lucy Hodge.

On being put to the vote the motion was CARRIED (8 in favour, 0 against - unanimously)

RESOLVED that permission be granted subject to the conditions set out in the report.

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

In relation to the questions the Team Manager (Development Manager) confirmed:

1. 22/00722/AR – Garfunkels, Orange Grove, City Centre the appeal was allowed/dismissed in part and there were no costs awarded against the Council.
2. Enforcement investigations were confidential and so these details were not available on the website.
3. Officers would look into including hyperlinks in the report to link to more details about the appeal cases.

RESOLVED that the report be noted.

20230628 Speaking List

The meeting ended at 3.05 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services

This page is intentionally left blank

Bath & North East Somerset Council

MEETING:	**Planning Committee**	AGENDA ITEM NUMBER
MEETING DATE:	**26th July 2023**	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	**APPLICATIONS FOR PLANNING PERMISSION**	
WARDS:	ALL	
BACKGROUND PAPERS:		

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

[1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.

[2] Department work sheets relating to each application/proposal as above.

[3] Responses on the application/proposals as above and any subsequent relevant correspondence from:

(i) Sections and officers of the Council, including:

Building Control
Environmental Services
Transport Development
Planning Policy, Environment and Projects, Urban Design (Sustainability)

(ii) The Environment Agency
(iii) Wessex Water
(iv) Bristol Water
(v) Health and Safety Executive
(vi) British Gas
(vii) Historic Buildings and Monuments Commission for England (English Heritage)
(viii) The Garden History Society
(ix) Royal Fine Arts Commission
(x) Department of Environment, Food and Rural Affairs
(xi) Nature Conservancy Council
(xii) Natural England
(xiii) National and local amenity societies
(xiv) Other interested organisations
(xv) Neighbours, residents and other interested persons
(xvi) Any other document or correspondence specifically identified with an application/proposal

[4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

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

[2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.

[3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.

[4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	23/00895/FUL 10 May 2023	Mr & Mrs J & S Flavell Waterworks Cottage , Charlcombe Way, Fairfield Park, Bath, Bath And North East Somerset Erection of two detached dwellings with associated means of access, car parking and associated infrastructure following demolition of existing dwelling and outbuilding (Resubmission).	Lambridge	Samantha Mason	PERMIT
02	22/04431/FUL 14 July 2023	Vanguard Holdings Limited Regency Laundry Service , Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset Redevelopment of the former laundry services site to provide three storey building plus inset mansard roof comprising self-storage units (Use Class B8) with ancillary Business Centre Facility, signage and associated works	Westmoreland	Isabel Daone	PERMIT
03	22/03580/FUL 28 July 2023	MNRE Former Welton Bibby And Baron Factory, Station Road, Welton, Midsomer Norton, Bath And North East Somerset Application for 'enabling works' in preparation for the Policy SSV4 site redevelopment including demolition, groundworks, flood mitigation and formation of 2m footpath along Station Road frontage.	Midsomer Norton North	Chris Griggs-Trevarthen	PERMIT
04	22/01861/FUL 11 July 2022	Mr & Mrs Morrison The Old Farmhouse , Withyditch, Dunkerton, Bath, Bath And North East Somerset Replacement of an existing single-storey rear extension, adjustments to an existing two-storey rear extension and removal of a single-storey lean-to structure.	Bathavon South	Danielle Milsom	REFUSE

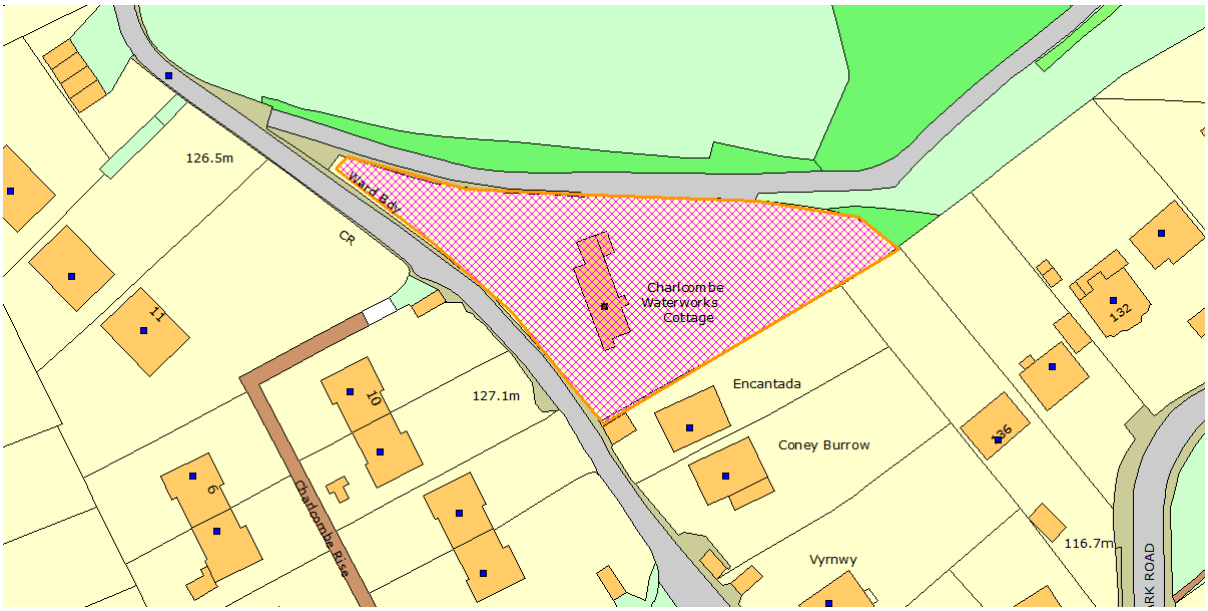
05	22/01862/LBA 11 July 2022	Mr & Mrs Morrison The Old Farmhouse , Withyditch, Dunkerton, Bath, Bath And North East Somerset Internal and external alterations for the replacement of an existing single-storey rear extension, adjustments to an existing two-storey rear extension and removal of a single-storey lean-to structure.	Bathavon South	Danielle Milsom	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01

Application No: 23/00895/FUL

Site Location: Waterworks Cottage Charlcombe Way Fairfield Park Bath Bath And North East Somerset



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

Ward Members: Councillor Joanna Wright Councillor Saskia Heijltjes

Application Type: Full Application

Proposal: Erection of two detached dwellings with associated means of access, car parking and associated infrastructure following demolition of existing dwelling and outbuilding (Resubmission).

Constraints: Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs J & S Flavell

Expiry Date: 10th May 2023

Case Officer: Samantha Mason

To view the case click on the link here.

REPORT

The application is being heard at committee as the local ward councillors have raised concerns with the scheme and the officer is minded to permit. The scheme was referred to the Chair of the committee in line with the Council's Scheme of Delegation for a decision on whether it should be heard at committee or delegated to officers for decision. The chair recommended the application be heard at committee, stating in their decision;

"This planning application is the latest in a series of applications proposing development on this site. I note the comments of Charlcombe PC and the ward councillors as well as the comments from many members of the public and interest groups. The case officer has set out the reasons for her recommendation. In view of the widespread public interest, it is best if the planning history is explained, and the planning issues are considered and debated in public at committee."

The application refers to a site is located in the Fairfield Park residential area of Bath, within the World Heritage site but outside of the Conservation Area. The Green Belt bounds the site to the north along with the AONB.

Planning permission is sought for the erection of two detached dwellings with associated means of access, car parking and associated infrastructure following demolition of existing dwelling and outbuilding (Resubmission).

Relevant Planning History:

DC - 20/04067/FUL - RF - 4 August 2021 - Extension and alteration to existing Cottage and creation of two detached dwellings.

AP - 22/00002/RF - DISMIS - 26 April 2022 - Extension and alteration to existing Cottage and creation of two detached dwellings.

DC - 22/01884/DEM - RF - 1 June 2022 - Demolition of dwellinghouse (Waterworks Cottage).

DC - 22/02297/DEM - RF - 4 July 2022 - Demolition of dwellinghouse (Waterworks Cottage).

DC - 22/03249/DEM - PAPNRQ - 9 September 2022 - Demolition of dwellinghouse (Waterworks Cottage).

DC - 22/04122/FUL - RF - 27 January 2023 - Erection of two detached dwellings with associated means of access, car parking and associated infrastructure following demolition of existing dwelling and outbuilding

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
CHARLCOMBE PARISH COUNCIL:

6th April: Charlcombe Parish Council wishes to reiterate its earlier strong objection to this development. It's a tragedy that the original perfectly habitable historic cottage has been approved for demolition, and this proposal builds on that tragedy by replacing it with two excessively large and oversized box dwellings, totally inappropriate for the setting. This ill-conceived proposal amounts to architectural vandalism, and we urge a rethink.

In this latest proposal, the dwelling nearest the path (Plot 1) has a ridge height some 1m taller than the existing cottage and is far larger, and situates the house much closer to the upper boundary wall of the site. The result is a looming building that completely obliterates the existing views across the valley to Solsbury Hill, currently enjoyed by the many walkers along the adjacent narrow road. The scale and massing of this building alone is

huge compared to the original cottage. This error is then repeated on the second building below, which matches the first in being
excessive in scale and massing for the site. The Plot 2 development is claimed to have been reduced in size but this has not been quantified. The images in the applicant's own design and access statement show a huge visual impact on the rural nature and qualities of the surroundings.
The new properties will create intrusive light spill into the valley below and turn what is currently a rural valley setting below the existing cottage into an over developed estate and car parking lot. This site will create a significant loss of visual amenity for the many walkers in the area and shows no respect towards the local environment or the local community.

We question the sustainability credentials of the new proposals, with "assumed values" for the performance of solar panels which may or may not be achieved at this particular site. The proposals are claimed to be sustainable construction but clearly are not when the huge volumes of concrete, steel and glass required far outweigh the simple renovation of the existing cottage that could easily be carried out by a more sympathetic owner.
Due to the huge number of real and passionate objections which far outweigh the trickle of support, this proposal warrants review and discussion by the Development Control Committee, as requested by Ward Cllrs Rob Appleyard and Joanna Wright. We trust this will be the case. Charlcombe Parish Council respectfully repeats that this application should be refused in its entirety.

DRAINAGE:

14th April: No objection - all drainage works to comply with building regulations approved document part H.

ECOLOGY:

27th April: - The revised scheme does not result in any significant change to the ecological mitigation and BNG requirements, measures for which must be secured by condition.

- There is no objection to the proposal on ecological grounds, subject to conditions as previously recommended but revised to reference the updated reports

HIGHWAYS:

6th April: No objection, scope for revision. HDM requests that the following additional information is provided.

- Further detail for the proposed vehicle access arrangements from the adopted highway into the application site including swept path analysis of the Charlcombe Way/Private Road junction for a large car and emergency vehicles;
- Highways would also need details of the proposed width and gradient of the driveway, and drainage to prevent surface water entering the highway. Details of any proposed retaining features will also be required. Highways Structure technical approval may be needed if they are deemed to impact on the highway, and;
- The applicant is encouraged to demonstrate ULEV charging arrangements.

Representations Received:

The following is a summary of the objections received:

BATH AND COUNTIES ARCHAEOLOGICAL SOCIETY:

The removal of the cottage will be a significant and irreplaceable loss to the local heritage. We
believe it will have a detrimental effect on the Cotswold AONB and the World Heritage Site. We are unaware if the Bath World Heritage Site Advisory Board was asked to comment on the proposals.

BATH PRESERVATION TRUST:

We therefore continue to strongly emphasise the value and positive contribution of the cottage to the local area, and appeal to the applicants for its retention and reuse as a family home with strong, existing ties to the local area, its heritage, and its community.

With regard to the revised design proposals, the reduced scale of Plot 2 and its reorientation set further down towards the eastern end of the site have gone some way in addressing BPT's original concerns. The relocation of Plot 2 would mitigate the visual impact of built development and perceived 'overdevelopment' along Charlecombe Way.

Landscape views would also be retained in the gaps either side of Plot 1. The reduction in the roof height of Plot 1 would be an improvement, though it would remain taller than the ridge height of the existing cottage.

Should the principle of development be considered acceptable, we emphasise the importance of prioritising the delivery of truly sustainable low-carbon housing, in accordance with the local authority's net zero objectives. We commend the intention to meet 100% of the dwellings' energy demands with on-site generation, though further practical and technical detail is welcomed (eg. the location of associated infrastructure and batteries for PV panels, should generated energy be used directly by occupants). We further welcome consideration of a 'whole house' approach to reduce overall energy consumption and heat loss. The implementation of a sustainable design is a significant consideration in securing adequate public benefit, as well as offsetting the embodied carbon that would be released through the demolition of the cottage. High thermal performance targets as set out in the application should therefore be maintained throughout the design process to secure the delivery of quality, sustainable construction that will contribute to the local area.

CHARLCOMBE TOAD RESCUE:

After studying thos latest application we have not changed our view that development of this site will have a detrimental effect on the local amphibian population, particularly comon toads which are a biodiverirt priority species, but also common frogs and newts.

CLLR ROB APPLEYARD (former):

Given not only the wide interest in this application and the high level of resistance, and primarily the concens of the immediate neighbour around its overbearing nature can I ask that should you be mindful to recommend an acceptance of this application it is placed before the committee for a wider discussion around the significant concerns of overbearing and design.

CLLR JOANNA WRIGHT:

With regard to the application 23/00895/FUL Waterworks Cottage can I ask that this application by called to the Planning committee should you be mindful to be giving this application permission.

Please can I ask that this application is called in due to overdevelopment and the site not being in keeping with the other houses in the area. Plus ongoing concern about impact to ecology - re. toads accessing ancestral breeding ponds.

COTSWOLDS CONSERVATION BOARD:

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publicationsWe will not be providing a more comprehensive response on this occasion. This does not imply either support for, or an objection to, the proposed development.

CPRE:

One might hope that following the demolition the replacement would be a suitable interesting modern building that is sympathetic to the environment. Unfortunately it would seem that the plans are yet again over-development of the site with two very large buildings. Not only will land be lost to buildings but also concreted over to provide the necessary facilities for access and parking. This would be bad enough in an urban area but this site has an important presence in relation to the adjoining Area of Natural Beauty, the entrance to the World Heritage City and the local Green Belt and local recreational areas. The NPPF recognises the importance of such factors in determining planning for such sites and requires local authorities to take account of them in making a planning decision. Such plans should only be approved when they make a positive contribution which is clearly not the case here. The visual loss to the landscape of such a development cannot be mitigated by the planting of a few hedges.

THIRD PARTIES:

60 third party objections have been received:

- Overdevelopment
- Loss of views
- Loss of cottage as a heritage asset
- Scale, massing, height, and form concerns
- General design concerns

- Impact to local character
- Unsustainable
- Impact to protected species and wildlife
- Impact to habitats
- Ecological concerns
- Biodiversity concerns
- Parking concerns
- Traffic concerns
- Emergency vehicle access concerns
- Highways safety concerns
- Pedestrian access concerns
- Flooding and drainage concerns
- Impact to AONB
- Landscape impacts
- Not in line with climate emergency
- Construction concerns
- Drawings incorrect/ lacking detail
- Harm to world heritage site
- Green washing
- Harm to residential amenity
- Overbearing
- Overlooking/ loss of privacy
- Pollution
- Solar panels missing
- Lack of utilities details
- Inaccuracies on plans

7 comments of support have been received from third parties:

- Good design
- Integrates successfully with locality
- Adheres to development plan
- Creates two dwellings
- Taken account of previous comments
- Sustainable approach
- Housing need

POLICIES/LEGISLATION
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 Bath & North East Somerset Local Plan Partial Update (2023)
o West of England Joint Waste Core Strategy (2011)
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:

B4: The World Heritage Site and its setting
CP6: Environmental quality
CP10: Housing mix
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:

B1: Bath spatial strategy
BD1: Bath design policy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D5: Building design
D6: Amenity
D7: Infill and backland development
GB1: Visual amenities of the Green Belt
H4: Self Build
HE1: Historic environment
LCR9: Increasing the provision of local food growing
NE2A: Landscape setting of settlements
PCS1: Pollution and nuisance
PCS2: Noise and vibration
SCR5: Water efficiency

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced several new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

D8: Lighting
H7: Housing accessibility
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity net gain
NE5: Ecological networks
NE6: Trees and woodland conservation
PC55: Contamination
SCR6: Sustainable construction policy for new build residential development
SCR9: Electric vehicles charging infrastructure
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant in the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023) is also relevant in the determination of this application.

Transport and Development Supplementary Planning Document (January 2023) is also relevant in the determination of this application.

Planning Obligations Supplementary Planning Document (January 2023) is also relevant in the determination of this planning application.

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT
The main issues to consider are:

- Principle of development
- Character and appearance
- Residential amenity
- Highways matters
- Flooding and drainage
- Technical matters
- Any other matters

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

Policy DW1 of the Local Plan Partial Update states that the focus of new housing in the district will be Bath, Keynsham and the Somer Valley. Policy B1 of the Placemaking Plan seeks to enable delivery of around 7000 homes across the site during the plan period, including from windfall sites. It states that subject to compliance with all other policy considerations residential development will be acceptable in principle provided the proposal lies within the existing urban area of Bath as defined by the Green Belt boundary. The site proposes two new dwellings within the defined built-up area of Bath.

The principle of development is acceptable. This is subject to other material planning considerations discussed below

HERITAGE:

Waterworks cottage is not listed but is considered to have heritage significance. It is considered to be a Non-Designated Heritage Asset (NDHA). The site is within the World Heritage site.

Non-Designated Heritage Asset:

Evidence confirms that there was a connection between Waterworks Cottage and the Bath Water Works that is situated in close proximity to the site. Map regression and census material in particular provide strong evidence that the house was occupied by workmen/engineers working on the waterworks plant. Waterworks Cottage is a simple traditional stone-built house on the edge of suburban Bath set within a large garden plot. It retains much of its original form through its footprint, internal plan and remnants of some internal features such as fireplace surrounds. However, other external features such as its roof structure and fenestration have been replaced in the recent past, leading to some erosion of its architectural authenticity. Given the aforementioned, the significance of the non-designated heritage asset therefore derives mainly from its historic interest and in part from its architectural interest.

Policy HE1, Historic Environment, of the Placemaking Plan sets out under paragraph g that proposals affecting non-designated heritage assets should ensure they are conserved having regard to their significance. Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application.

The proposal results in the demolition of Waterworks cottage which therefore results in the total loss of its significance deriving from its historic and architectural interest. The harm arising from the total loss is considered to be, in the words of the NPPF, substantial harm.

Paragraph 203 of the NPPF goes on to say 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.' Unlike the requirements for harm to listed buildings, there is no requirement within the NPPF that the harm arising be weighed against public benefits, it is simply a balanced judgement. Nevertheless, Policy HE1 goes on to require that, even for non-designated heritage assets, public benefits are considered. This is fully considered in the planning balance below.

World Heritage Site:

The proposed development is within the World Heritage Site; therefore, consideration must be given to the effect the proposal might have on the World Heritage Site and its setting.

The World Heritage Site is Designated for its Outstanding Universal Values (OUV). These can be summarised as 1. Roman Archaeology, 2. The Hot Springs, 3. Georgian Town

Planning 4. Georgian architecture, 5. Green Setting of the City in a hollow in the hills, 6. Georgian architecture reflecting social ambitions (e.g. spa culture). The cottage is Victorian and whilst it is located on the edge of the built area it is outside of the area designated as the landscape setting of Bath. The built form will be within the envelope of the site and doesn't encroach into Charlcombe Valley. The Green Setting of the city is not considered to be harmed in the context of the World Heritage Site. As such this iteration of proposed works is considered to be acceptable in the World Heritage Site setting and complies with Policy B4, as found with previous schemes.

DESIGN, CHARACTER AND APPEARANCE:

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

Various proposals for the retention, extension, demolition and replacement of the cottage have been put forward along with various numbers of residential units. The current scheme proposes the erection of two detached dwellings with associated works following the demolition of existing Waterworks Cottage.

The inspector's comments at the previous dismissed appeal at the site remain relevant and have driven the approach to design.

In describing the existing character and appearance of the area the inspector set out the following: 'Various instances of residential development exist alongside the site and to the opposite side of Charlcombe Way (the road). Although a mix of property sizes, ages and styles are evident, the dwellings closest to the site tend to occupy often well-vegetated individual plots of generous size. Indeed, the site itself is particularly spacious and well-planted to its perimeter. When also factoring in the inherently rural composition of the neighbouring open lands to the north, the site and its immediate surroundings can be observed to exhibit a green and semi-rural character and appearance.'

Following the appeal dismissal, a further application on the site was refused (22/04122/FUL) for two dwellings both located in the upper part of the site accessed from Charlcombe Way and therefore highly visible in terms of built form and length in the street scene. The 22/04122/FUL version of the scheme proposed two substantially sized dwellings which were found to be overdevelopment in accordance with the inspector's previous comments along with impacting on neighbouring amenity.

In this iteration the orientation of the proposed dwellings is such that one is located in a similar location to the cottage, and one is located at the bottom half of the sloping site. The layout results in less intensive development of the site in this scheme as both dwellings have been reduced in footprint and scale to previous schemes. Plot 1 sits at the top of the slope, occupying a just off-centre position, a sloping driveway entrance is proposed from Charlcombe Way. This access has been reduced in size from previous schemes and, given the layout, means only one access is now taken from Charlcombe Way. The street

elevation now details that Plot 1 will not be significantly taller than the existing cottage. There will be views of the upper storey and roof, similar to the existing arrangement. A much greater level of hedging will also be retained. The inspector previous found the units visibility and resulting vegetation loss would be unduly urbanising. These impacts are now significantly reduced through this scheme to a level which is considered to allow the 'semi-rural character' to be better retained.

The Inspector previously stated in their decision; 'Whilst the dwelling identified as Plot 3 would have a more discreet presence when compared to Plot 2, it would still represent a substantive addition rising to two stories and covering a large overall footprint upon an individual plot of somewhat restricted size when compared to the typical composition of the closest existing plots to it.' The dwelling referred to as Plot 3 in the appeal scheme is akin to the design and position of Plot 2 within this pre-application scheme.

The appeal scheme was formed of three dwellings; this application is formed of two dwellings. Plot 2 is now reduced in scale in comparison to the Plot 3 appeal dwelling. The orientation of both plots and the scale of the development means that the plot sizes retained for each dwelling are now more akin to those surrounding the site, not only in grain but in terms of ratio of built footprint to garden space. It is considered that Plot 2 remains discreet and now addresses the previous concerns of the inspector when considering development levels and plot size.

Plot 1 will still be a significantly larger dwelling than the existing cottage, and the proposed Plot 2, however the massing is considered to be sufficiently broken up by the build into the slope, the stepped nature of each level, and the use of materials.

The proposed materials are considered to be important in this location given the transition the site provides between the urban built form of the World Heritage Site and the rural countryside. The natural materials proposed including rubble stone, lime stone, timber cladding and glass. This palate of materials is considered acceptable.

The proposal takes a contemporary approach to both dwellings. Given the varied style and modern nature of many of the surrounding dwellings the contemporary design approach itself is acceptable, whilst the overall design is not. It is noted that the inspector found the previous schemes contemporary design approach acceptable.

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 Core Strategy and policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

LANDSCAPE:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character and conserving. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape

character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

The development site's position on the edge of settlement means that the character of the area to its south is formed by the suburban residential townscape of the Fairfield area of Bath; while the character of the area to its north is formed by the rural pastoral landscape of the Lam Brook Valley. These markedly different characters are broadly reflected in landscape designations with the Green Belt, Cotswold AONB and locally designated landscape setting of the settlement of Bath boundaries running along the access road on the northern boundary of the site; and the Bath World Heritage Site and Conservation Area boundaries lying 250m to its north and 150m to its west respectively.

While the proposed development would be conspicuous from the Green Belt and AONB in some views it is considered that the development will be viewed in context with the surrounding cityscape and urban residential form.

It is noted that the inspector considered landscape impacts at the appeal for application 20/04067/FUL. It was found that the proposal did not result in adverse harm to the landscape to warrant refusal. That scheme was larger in both massing and quantum than the scheme within this pre-app. It therefore follows that this smaller scale scheme would also not impact landscape.

The landscaping within the site itself will clearly be reduced due to the built form increase, however there is proposed planting including trees and hedgerow (biodiversity gain is discussed further below). It is considered that conditions be applied regarding the submission, approval, implementation and maintenance of a detailed hard and soft landscape scheme.

Overall, the proposal is considered to comply with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan and part 15 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The site is located on the edge of the built development; there are neighbouring properties to the south and west, with open fields and woodland to the north and the existing large garden of the cottage to the east.

The properties on the west of Charlcombe Way sit high above the site given the sloping nature of this area and are separated by the road. Given that the proposed dwelling at Plot 1 is set down from street level it is not considered that there will be any impact on the amenity of properties on the western side of Charlcombe Way.

Combe House is the immediate neighbour of the site to the south-east. Upon undertaking a previous site visit it is apparent that Combe House's principal elevation is essentially the north west elevation which faces towards the boundary with Waterworks cottage.

The previous scheme (22/04122/FUL) was found to impact on the residential amenity of Combe House, forming grounds for refusal. This current scheme sets the proposed Plot 1 at much greater distance from Combe House at approximately 20m away. This removes the previous concerns of the overbearing impact. Additionally, the parking area (including garage and car port) have now be set on the north side of the plot away from Combe House which is a betterment in residential amenity terms.

One window is proposed in the south elevation of Plot 1 facing the direction of Combe House. This will serve bedroom 4 and is at lower ground floor level. This is roughly similar to the floor level of Combe House but given the separation distance and boundary treatment this is not a concern in regard to residential amenity as it will not result in significant overlooking to warrant refusal.

Plot 1 is proposed to have a small terrace accessible from the upper floor sitting room, this is situated on the side of the building closest to Combe House, however the terrace has been reduced in size since previous scheme and now sits approximately 20m away from Combe House, the distance is sufficient to reduce the impact of overlooking to a level acceptable in residential areas.

The majority of windows for Plot 1 are to the north elevation looking towards the wider landscape. Plot 1 sits above the level of Plot 2. The level of windows on the rear east elevation and the location of the plot in relation to Plot 2 is considered to be satisfactory in residential amenity terms. The amenity of future occupiers is as such considered acceptable.

The fenestration arrangements on Plot 2, are such that they are mainly located in the direction of the wider landscape away from neighbours. Overlooking out of Plot 2 is not a concern. Given the set down nature of plot 2 and the reduce massing it is not considered that Plot 2 would have any overbearing or overshadowing impact on neighbours either.

There is ample amenity space for each dwelling which circulates both plots so that there are acceptable levels of privacy.

Some third parties have raised concerns that the proposal will result in the loss of views. The right to a view is not a material planning consideration. As stated above the proposal is not considered to result in an overbearing impact on any neighbours. Whilst the view would be altered there would still be views into and across/through the site.

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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users.

The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The Highways Development Control (HDC) Team have been consulted on this application.

It is noted that HDC have been consulted on the previous applications at the site, 20/04067/FUL (which included access to a dwelling via the private road) and 22/04122/FUL. HDC raised no formal objection to either application. It is noted that the inspector also did not raise highways matters at the time of the appeal. HDC have raised no objection to this scheme although they raised some matters during the course of the application discussed below.

Access:

The current development proposal is for two detached dwelling, one 4-bed and one 3-bed.

Access is proposed directly from Charlcombe Way for plot one. It is noted that there is not currently a drop kerbed access into the site and in order for a new vehicular access to be created, HDM will require dropped kerb access and for the applicant to apply for a Section 184 licence under the Highways Act 1980. There is a need to ensure that the vehicular access surface is a bound material and that no loose stones would be carried onto the public highway.

Plot 2 is proposed to be accessed via the private access road that forms a junction with the adopted public highway at Charlcombe Way. Charlcombe Way is a narrow lane, approximately 3.1 metres wide and there are no formal passing places along Charlcombe Way. The private access road is also approximately 3.1 metres wide. However, the angle at which the private access road forms a junction with Charlcombe Way is such that it would not be possible for the driver of a vehicle to turn right into private road, or turn left out, in one single manoeuvre.

The existing vehicular access to the site is sub-standard in terms of width and visibility and would require multi-point manoeuvres for a vehicle to enter/exit the site from the east. Officers are aware that the private access road currently provides vehicular access to the existing garage and parking associated with the existing dwelling (Waterworks Cottage) together with access to the water works for Wessex Water vehicles. Additionally, officers have previously acknowledged that there is no history of Personal Injury Collisions (PICs) in the vicinity of the junction of Charlcombe Way and the private access road.

Overall given that there is no evidence that its existing use is prejudicial to highway safety and that, should planning permission be granted, the private access road will continue to provide vehicular access to parking associated with a single dwelling, as it currently does, the access is considered acceptable.

The NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. In line with requests from the highway's officers swept path analysis have been submitted for access to plot two during the course of the application, as suspected that swept path analysis shows that multi-point

manoeuvres for a large vehicle, including an ambulance would be required. again, given that this is no different to the existing situation it is considered that there this would not constitute unacceptable or severe highways impacts as required by national policy.

Car Parking:

Vehicle parking at all developments should be provided in accordance with adopted parking standards at the time of the application. Current adopted standards are outlined in the recently adopted parking standards provided in the Transport and Developments SPD. The application site falls in Zone D of the emerging parking standards and require residential parking to be provided on the basis of no more than:

- Two spaces per 2/3 bedroom dwelling
- Three spaces per 4 bedroom + dwelling

As such the maximum number of car parking spaces required to be policy compliant under the Transport and Developments SPD would be three spaces for plot one and two spaces for plot two; this number of spaces has been identified on the proposed plans.

It is noted that HDC considered that there was an over provision of spaces for plot one but this is because the highways officer has identified plot one as being a three bed dwelling which would only have been allowed two car parking spaces, when in fact it is a four bedroom dwelling where three spaces are acceptable. In any case it should be noted that within the Transport and Developments SPD standards it explicit states that garages will not be counted as parking spaces for the purposes of deriving parking standards and both proposed dwellings identified parking includes garages.

The Transport and Development SPD also outlines standards for the provision of parking for Ultra-Low Emission Vehicles (ULEV), which requires residential development of over one dwelling, and providing multiple spaces to provide all parking with active ULEV charging provision. Charging provision must be at 7kw minimum. It is noted that HDC requested that the ULVE points be shown on the plans, however this will in any case be conditioned and is now also a requirement of building regulations.

Submitted plan P01-PPA indicates gates are proposed at the entrance to the proposed development accessed directly off Charlcombe Way that open away from the highway which are set back circa 2m from the highway. HDM would usually request that any entrance gates erected are required to be set back a minimum distance of six metres from the back edge of the adopted public highway in order for vehicles to pull off the carriageway whilst waiting for the gates to be opened. However, Given the lightly trafficked nature of Charlcombe Lane combined with the slow speed at which motor vehicles travel along the lane, and the number of houses served beyond the proposed development, the severity of impact of a vehicle waiting to turn into the driveway whilst the gates are opening is not deemed severe. As such, on this occasion HDM do not raise objection to the gates proposed.

HDC officers also requested details of the proposed gradient of the driveway, and drainage to prevent surface water entering the highway. Details of any proposed retaining features will also be required. In this case the gradient has not currently been shown on the plans, however the driveway clearly slopes away from the highway given the

topography of the site and as such surface water drainage onto the highways is not considered to be a concern along Charlcombe Way.

Cycle Parking:

The proposed development requires the provision of secure, covered cycle parking the following spaces per dwelling in accordance with the recently adopted standards.

- One space per 1 bedroom dwelling
- Two spaces per 2 bedroom dwelling
- Three spaces per 3 bedroom dwelling
- Four spaces per 4 bedroom + dwelling

Bicycle storage for at least three bicycles is required to be policy compliant under the Transport and Developments SPD. Bike parking has been shown on the plans for at least two bikes per dwelling, and it is noted that the proposed garages measures 3m x 6m which is acceptable to accommodate additional bicycle parking.

Refuse:

HDC officers acknowledge that occupiers of the proposed dwellings will be required to place all bins at the road/pavement edge on refuse collection day such that refuse can be collected from the roadside, which is acceptable for the dwelling accessed directly off Charlcombe Way.
However, the dwelling accessed off the private road is narrow in width and steep in gradient for which drag and carry distance is not entirely desirable, as such a waste management plan will be conditioned.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document, and part 9 of the NPPF.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

Policy SU1 states that for both major development ((as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015)) and for minor development in an area at risk of flooding (from any source up to and including the 1 in 100 year+ climate change event) Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of water runoff.

As with previous schemes the Flooding and Drainage Team have been consulted and confirmed they have no objection to the proposal. It is noted that all drainage works will comply with building regulations approved document part.

As such, the proposed development is considered to comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as part 14 of the NPPF.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland consecration. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

The submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Hillside Trees Ltd October 2020) identifies six trees on site and states that tree T6 will be removed and trees T1, T2, T3, T4 and T5 will be retained. However, it is noted that trees T1 and
T2 are suffering the effects of Ash dieback; this is the same as with previous applications.

Tree T6 is a lilac tree and is judged to be category C1. Where trees covered by categories A, B and C of BS 5837 (Trees in relation to construction) are removed as part of a development, and replacement planting is required. Here 2 trees are proposed to be planted on site as replacement planting. As such there is no objection to its removal subject to appropriate replacement planting which can be conditioned, which again is the same result as with the previous applications on the site.

The trees to be retained on site during and after development will also require protection. Protection measures are presented in the Arboricultural Impact Assessment Plan submitted. This will also be conditioned.

Overall, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update regarding trees.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

This proposal is on the same site as previous application 20/04067/FUL and 22/04122/FUL for which Ecology advice was provided. The scheme now proposes 2 dwellings (reorientated). Ecology comments for the previous schemes here remain relevant. There was no ecological objection to the previous scheme and conditions were recommended.

The current submission includes the following updated ecological reports by Quantock Ecology:

- Ecological Mitigation and Enhancement Plan (March 2023)
- Updated Bat Survey - Emergence and Activity Surveys (Feb 2023)
- Biodiversity Net Gain File Note and metric (March 2023)
- File Note - Great Crested Newt eDNA Survey
- Badger and Amphibian Check (March 2023)
- A revised Lighting Strategy Drawing Ref P19 dated Jan 2023 is also submitted

These are comprehensive and are accepted. Details of proposed wildlife protection measures during the construction phase, and a long-term habitat management plan are also now included and are considered appropriate.

It is noted that concerns have been raised in regard to local amphibians. Frogs and toads are known to migrate through the area to a nearby breeding pond some 300m from the site. As toads are known to be present locally, they may cross the site and utilise the site for foraging and hibernation. This is the case for surrounding residential properties in this part of Charlcombe Lane. It is noted that no toads were recorded on site during the ecology walkover surveys. In any case mitigation and enhancement measure are proposed to be provided within the Ecological Mitigation and Enhancement Plan (which will be conditioned) in the form of site clearance avoiding hibernation and main migration seasons. Amphibians will be excluded from the works area during construction of the buildings whilst maintaining connectivity across the site to avoid harm to individuals during construction. Retention and addition of connectivity through the site post development and creation of suitable habitat around the site for amphibians. This is considered acceptable.

The proposal includes a lighting strategy (Drawing p19) and the proposed buildings include design features such as overhanging roof / recessed glazing on the main / rear elevations, and more limited extents of glazing on the remaining elevations, such that it is considered that subject also to the standard lighting condition securing final details of lighting design and controls, the scheme is capable of avoiding excessive or ecologically harmful levels of light spill onto adjacent land and vegetation.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent. The submission shows that a net gain will be achieved on site through the provision of ecological enhancements areas of fenced off rough grassland, tree planting and sedum roofs. BNG will be secured in perpetuity (at least 30 years) and a management plan will be required detailing how the post-development biodiversity values of the site will be secured, managed and monitored in perpetuity.

Overall, the Council Ecologist has raised no objection to the scheme, and has recommended conditions around soft landscaping, ecological mitigation and net gain compliance, and external lighting. The proposal is considered to comply with policy NE3 and NE3a of the Local Plan Partial Update regarding ecology matters.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

The standards are:

Space heating demand less than 30kWh/m2/annum
Total energy use less than 40kWh/m2/annum
On site renewable energy generation to match the total energy use (with a preference for roof mounted solar PV)

In this case the submitted SCC shows that space heating for plot one and two will be 30 and 29.9 kWh/m2/annum respectively. Total energy use will be 31 and 32.4 kWh/m2/annum respectively. On site renewable energy will be 45 and 34.4 kWh/m2/annum respectively. In this case photovoltaic roof mounted panels are proposed, along with an air source heat pump. It is noted that other smart infrastructure such as a smart meter, battery storage and electric vehicle charge points are also utilised. As such the prescribed standards are met. During the course of the application revised plans have been submitted that now show the solar panels in place on the proposed dwellings, their locations are considered acceptable.

Therefore, the proposed development is compliant with Local Plan Partial Update policy SCR6 in this instance.

Policy SCR5 of the 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); this can be secured by 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.). the garden space provided this opportunity.

POLLUTION:

Policies PCS1 and PCS2 have regard to pollution, noise, and nuisance. Third parties have raised concerns to all three elements. The proposal is not considered to result in risks of pollution being two dwellings (net gain of one). The impact of additional pollution from cars associated with the development is not considered grounds for refusal given that it meets the required parking standards as prescribed by the placemaking plan. Furthermore, future residents may have electric vehicles. The addition of dwellings in a residential area is not considered to result in noise pollution to existing residents, it is noted that the two plots will only be bound directly by neighbours to the south east, the road and countryside

bounds the other sides. There may be some temporary noise during construction, but this could be strictly controlled by the construction management plan, and will be temporary. Light pollution levels are considered acceptable, and not beyond the normal for a standard house. The proposal complies with policy PCS1 and PCS2.

PLANNING OBLIGATIONS/ COMMUNITY INFRASTRUCTURE LEVY:

The site would generate additional residential floor space within the Bath city area and is subject to contributions via the Community Infrastructure Levy in line with the Planning Obligations SPD.

PLANNING BALANCE:

As set out in the sections above, paragraph 203 of the NPPF states that, '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 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'. The harm resulting in the total loss of the NDHA and therefore its significance is considered to be substantial in the words of the NPPF.

Despite no requirement to consider public benefits in the NPPF, Policy HE1 of the Placemaking Plan goes further requiring that, even for non-designated heritage assets, public benefits are to be considered in the balance. Benefits from the scheme arise from one additional market house, CIL Contributions, short term job creation, and biodiversity net gain. The harms arise soley from the substantial heritage harm arising from the loss of the NDHA cottage. In this case the benfits do not outweigh the harm.

However, in the NPPF states that decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the proposal site benefits from extant prior approval for the demolition of the cottage as set out in application 22/03249/DEM. The proposed demolition of Waterworks Cottage was found to be permitted development under the terms of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Therefore, whilst the harm is considered to be substantial, it is harm that cannot be resisted. As materials considerations indicate that the loss of the cottage as an NDHA is considered acceptable. Given all other policies requirements had been found to have been complied with, the extant demolition prior approval is a relevant material consideration to depart from Policy HE1, on balance.

Overall, the scheme is therefore considered acceptable and is recommended for permission.

RECOMMENDATION

PERMIT

CONDITIONS

1 **Standard Time Limit (Compliance)**

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

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

2 **Materials - Submission of 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 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.

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 policy CP6 of the Bath and North East Somerset Core Strategy, policies D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

3 **Parking (Compliance)**
The areas allocated for parking and turning on submitted plan(s) reference 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 D6 of the Bath and North East Somerset Placemaking Plan and policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

4 **Bound/Compacted Vehicle Access (Compliance)**
The vehicular access shall be constructed with a bound and compacted surfacing material (not loose stone or gravel).

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

5 **Bicycle Storage (Pre-occupation)**
No occupation of the development shall commence until secure, covered bicycle storage for 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 policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

6 **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:

Deliveries (including storage arrangements and timings);
Contractor parking;
Traffic management;
Working hours;
Temporary arrangements for householder refuse and recycling collection during construction.

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. 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.

7 **Implementation of Landscaping Scheme (Bespoke Trigger)**
All hard and soft landscape works shall be carried out in accordance with the approved details, including requirements for ecology and habitat provision. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

8 **Ecological Mitigation and Compensation Scheme, and Biodiversity Net Gain (Compliance condition)**

The development hereby approved shall be carried out only fully in accordance with the approved
Ecological Mitigation and Enhancement Plan by Quantock Ecology dated Mar 2023;
recommendations in Section 4.3 of the Updated Bat Survey dated February 2023 by Quantock
Ecology; ecological measures as shown on the proposed Setting Out Site Plan drawing reference
P03; and habitat provision as detailed in the Biodiversity Net Gain file note and calculation dated
March 2023 by Quantock Ecology. All measures shall thereafter be adhered to and features
retained and maintained in accordance with approved details. Findings of monitoring inspections
shall be reported in writing to the Local Planning Authority Ecologist within 1 month of the monitoring event.

Reason: to avoid harm to ecology including a regionally important amphibian population (toads) and protected species (including reptiles badger and nesting birds).

9 **Ecology Follow-up Report (Pre-occupation)**
No occupation of the development hereby approved shall commence until a report produced by a
suitably experienced professional ecologist based on post-construction on-site inspection by the
ecologist, confirming and demonstrating, using photographs, adherence to and completion of all
recommendations and measures of the approved ecological bat and biodiversity net gain reports
and the Ecological Mitigation and Enhancement Scheme in accordance with approved details, has
been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the all ecological mitigation and compensation requirements during construction and post-construction phases, to prevent ecological harm and to
provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and
North East Somerset Local Plan.

10 **External Lighting (Bespoke Trigger)**
The development shall be constructed and all lighting installed and operated, and levels of darkness maintained in accordance with the approved Lighting Strategy drawing ref P19 dated January 2023. No new external or internal lighting shall be installed without full details of proposed
internal and external lighting design (which shall demonstrate compliance with the approved lighting strategy) 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; details of lighting controls, and details of all measures to limit use of lights when not required and to prevent upward

light spill and light spill onto trees, wildlife habitat, 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 Local Plan.

11 **Green Roof Details (Bespoke Trigger)**
Prior to the construction of the roof of the approved development a detailed specification of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Section drawings of the roof;
2. A planting schedule;
3. A timetable for implementation;
4. A maintenance schedule.

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

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

12 **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.

13 **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 Placemaking Plan.

14 **SCR6 Residential Properties (Pre-occupation**
Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:
1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

Major (or larger) Residential Development:
1. Energy Summary Tool 2
2. Table 2.1 or 2.2 (if proposal has more than one dwelling type)

All Residential Development:
3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update

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:

1 This decision relates to the following plans:

07 Mar 2023	P00	Existing - Site Location Plan
15 Mar 2023	P05	Plot 1 Basement Floor Plan
15 Mar 2023	P06	Plot 1 Proposed Lower Ground Floor Plan
15 Mar 2023	P11	Proposed Plot 1 East Elevation [4]
15 Mar 2023	P12	Plot 2 Proposed Floor Plans
15 Mar 2023	P15	Plot 2 Proposed Section
15 Mar 2023	P19	Proposed Lighting Strategy
15 Mar 2023	P20	Proposed Street Elevation
15 Mar 2023	P21	Proposed Section Cc
15 Mar 2023	S01	Existing- Topographical Site Plan And Se
15 Mar 2023	S02	Existing Elevations
15 Mar 2023	S03 A	Demolition Site Plan
15 Mar 2023	S04	Existing - Floor Plans
01 May 2023	P07 A	Plot 1 Proposed Upper Ground Floor Plan
11 May 2023	P02 A	Proposed Site Block Plan
11 May 2023	P03 A	Proposed Setting Out Site Plan
11 May 2023	P04 A	Proposed Site Sections
11 May 2023	P08 A	Plot 1 South Facing Elevation (1)
11 May 2023	P09 A	Plot 1 West Facing Elevation (2)

11 May 2023	P10 A Plot 1 North Facing Elevation (3)
11 May 2023	P11 A Plot 1 East Facing Elevation (4)
11 May 2023	P13 A Proposed Elevations Plot 2
11 May 2023	P14 A Proposed Elevations Plot 2
11 May 2023	Sk05 Rev B Swept Path Analysis For Large Car Turning
11 May 2023	Sk12 Swept Path Analysis For Ambulance Turning

2 **Condition Categories**

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

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

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

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

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

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

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

3 **Permit/Consent Decision Making Statement**

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

4 **Community Infrastructure Levy - General Note for all Development**

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

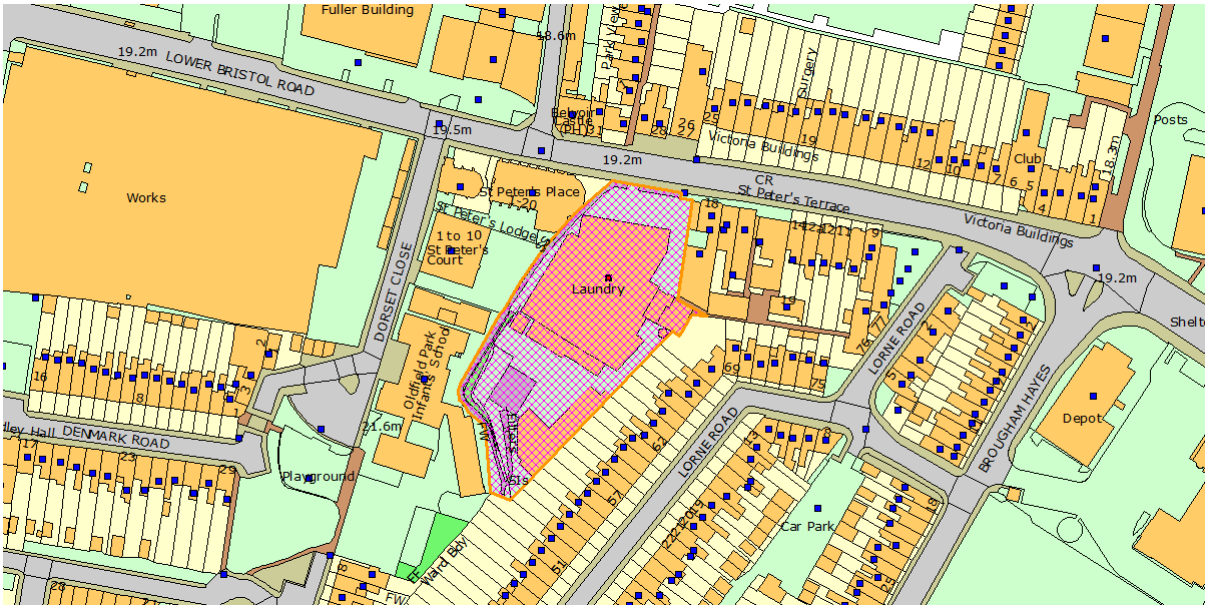
5 **Responding to Climate Change (Informative):**

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

Item No: 02

Application No: 22/04431/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: Redevelopment of the former laundry services site to provide three storey building plus inset mansard roof comprising self-storage units (Use Class B8) with ancillary Business Centre Facility, signage and associated works

Constraints: Article 4 HMO, Agricultural Land Classification, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,

Applicant: Vanguard Holdings Limited

Expiry Date: 14th July 2023

Case Officer: Isabel Daone

To view the case click on the link here.

REPORT

REASON FOR RETURN TO COMMITTEE:

The application was called in to committee by the Local Ward Member. Following referral to the Chair and Vice Chair, in accordance with the Council's Scheme of Delegation, both decided that it would benefit from debate and decision at Planning Committee.

The application was debated by the Planning Committee on 28th June 2023 and the Committee resolved to delegate to permit, subject to the conditions in the report and

update report, as well as a Section 106 agreement which was to secure a Travel Plan Bond and Targeted Training and Recruitment Contribution.

As part of the update report, the following condition was suggested:

Removal of Permitted Development Rights - Use Class (Compliance)
Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for self-storage with ancillary business function and for no other purpose in Class B8 of the schedule to that Order.

Reason: In order to protect the residential amenities of the neighbouring occupiers, in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

This condition effectively restricts the way in which the building can operate, meaning that it can only be used for self-storage and a new planning application would be required for any other use inside or outside of Class B8.

During Section 106 negotiations, the applicant has alerted officers to the fact that there would be a low number of full time employees at the site; 4 who would work 40 hours per week, likely with two working on the site and being on duty at any given time. This is how Vanguard operate at their Bristol site. Even if a different operator ran the site, the employment numbers on the site would likely be relatively low due to the nature of the business of Self Storage. As such, the applicant has raised that a full Travel Plan and thus the bond is somewhat excessive, and a Travel Plan Statement would be more appropriate. The Council's Highways Officer agrees with this approach as a result of the condition restrictive the use. It is therefore considered that a Travel Plan Bond is not required and could not be justified, The Section 106 therefore is now only seeking a contribution towards targeted training and recruitment. The Committee Report below has been amended accordingly, as have the planning conditions and Heads of Terms.

DESCRIPTION:

The application site measures approximately 0.43 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.

The application is for the demolition of the existing buildings on the site and its redevelopment, to provide a three-storey self-storage building (Use Class B8), with an ancillary Business Centre Facility and associated works.

Relevant Planning History:

98/00934/FUL
PERMIT - 31 December 1998
Replacement of shopfront and internal alterations

99/00318/AR
CON - 11 June 1999
Display of a non-illuminated free-standing sign

99/01017/FUL
PERMIT - 6 March 2000
Erection of first floor extension

00/01009/FUL
PERMIT - 29 August 2000
Erection of single storey extension

03/03026/FUL
PERMIT - 26 January 2004
Erection of first-floor extension

20/03166/FUL
RF - 23 September 2021
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.

22/04432/AR
WITHDRAWN - 23 March 2023
Erection of Totem sign with Fascia lettering

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
CONSULTATION RESPONSES:

COUNCILLOR JUNE PLAYER:

21st December 2022 -

- Whilst I find this to be a far better and more acceptable proposal than the previous ones that were submitted for this location, I still have concerns about how successful the proposed Gull Strategy will be, having read what the Council's Gull Officer, Gordon Dugan, has to say about it (see below) and ask that his points raised and suggestions made are investigated before a decision on this proposal is made.

- I also have concerns about the impact that the Totem sign will have. I was very taken aback when I saw the Visualisation 01 (Proposed Development) on page 34 of the D&A Statement Part 3 Background Papers 02/11/2022.
- The open feel along here is now to be seriously broken by this very bulky and solid looking monolith-designed feature which I feel is totally unnecessary and which creates such a negative impact along this section of the Lower Bristol Rd. The Visualisation 01 image really highlights how huge, unattractive and blocky-looking it is and, stuck right in the middle of the frontage. I find the design of both it and the proposed new frontage are hard and jarring which some curved features could easily soften and so bring about a far more pleasant experience to passers-by especially pedestrians. This will also help it blend in better with the architectural features of St Peter's Place which is an important building along this section of the Lower Bristol Rd and to my mind needs to be seriously taken into consideration.
- I feel the erection of the Totem sign should be refused as it is both not needed and totally unsuitable for this location.
- I note there is an objection submitted from a resident who is obviously most affected by this Totem sign and I have to support his concerns about the impact it will have on his property. I shall be visiting him after the Christmas Holiday and hope you will be able to arrange to do the same so that we can have a much better knowledge of this sign's impact on his residential amenity.
- I am very disappointed with the lack of trees at the front of the building and had thought there were to be more. Would it be possible for this to happen? The impact of this to all, including wildlife and the ecological and climate emergency situation we find ourselves in would be very beneficial and improve this part of the Lower Bristol Rd.
- I was surprised at the suggestion of there being a 'plane on display - highly visible to all and cannot help but feel something far more in keeping with Bath and its history could be included such as an attractive and colourful mosaic - a 'nod to Bath's history' which I feel would be of interest to far more people of all ages especially as the Lower Bristol Rd is a main route in to the World Heritage City centre of Bath.
- Should you feel that these concerns are not grounds for requesting amendment and you are minded to approve this application as it stands, then I am requesting that it goes to Committee on the grounds that it is contrary to Policy D6 Amenities of the Bath & North East Somerset Core Strategy (2014) and Placemaking Plan (2017).

CONTAMINATED LAND:

14th November 2022 - No objection subject to conditions

25th May 2023 - No objection subject to conditions

ECONOMIC DEVELOPMENT:

18th November 2022 - No objection

ARCHAEOLOGY:

1st December 2022 - No objection

AVON AND SOMERSET POLICE:

2nd December 2022 - No objection subject to comments

HIGHWAYS:

1st December 2022 - Scope for revision

28th March 2023 - No objection to conditions and S106 to secure travel plan

21st April 2023 - No objection to conditions and S106 to secure travel plan

5th May 2023 - Having reviewed the Traffic Management Plan, submitted in support of the Demolition Plan, there is no objection to the overall approach presented within the document. As confirmed in the earlier highway responses, other planning conditions are recommended should planning
permission be granted, and these are presented below.
DRAINAGE AND FLOODING:

13th January 2022 - No objection subject to conditions

ENVIRONMENT AGENCY:

19th December 2022 - No objection subject to conditions

ARBORICULTURE:

20th December 2022 - No objection subject to conditions

ECOLOGY:

4th January 2023 - Objection

26th April 2023 - No objection subject to conditions

CONSERVATION:

6th January 2023 - Scope for revision

URBAN DESIGN:

12th January 2023 - Scope for revision

26th March 2023 - No objection subject to conditions

GULL OFFICER:

6th April 2023 - Scope for revision

26th June 2023 - Acceptable, further improvement possible

REPRESENTATIONS:

All comments have been read in full and assessed by the case officer. Due to the length of some of the comments received, a summary of the main points is included below. Full comments are available on the Council's website.

BATH PRESERVATION TRUST:

- In principle, BPT supports the redevelopment of this brownfield site.
- Given the strong, residential character of the surrounding built environment we highlight potential conflict going forward between the success of this site and the amenity of adjoining residents.
- We have very strong concerns with the proposed height, scale, massing, and bulk of development which would constitute overdevelopment of the site and would have an adverse impact on local distinctiveness and the domestic scale of its surrounding townscape character.
- The development would propose an uninterrupted, four storey height across the entirety of the site without any variation in roof height or articulation to break up the scale or massing of the building. The overall height of the scheme would fail to respond positively to its low-rise, Grade II setting. In accordance with the Bath Building Heights Strategy, "it may be necessary for the height to be less than four storeys in response to heritage assets, residential amenity and to prevent intrusion in views."
- The proposals would see the height of the street-facing north elevation increase to three storeys (proposed Section D-D indicates that this would be of a taller height than the existing barrel roof of the Laundry building) and as such would increase the building's already heavy flat-roofed presence within the townscape and directly overshadow the Grade II Victoria Buildings and Belvoir Castle terraces. An increase in height would also challenge the standalone conical pitch roof of St Peter's Place.
- The cumulative impact of a deep plan with a continuous four storey height would therefore result in a monolithic structure of a bulk and massing at odds with its local townscape context.
- The oversized and impermeable scale and massing of the site would therefore be over-dominant and would fail to respond to or reinforce the visual amenities of the area, contrary to Policies D1, D2, and D3
- We therefore maintain that the proposed volume of metal cladding across all external elevations and the roof would result in a monotonous appearance with no distinction in elevational treatment or roofscape and would not be appropriate within an area of predominantly residential grain.
- The extent of blank, four storey flanking walls would have an adverse impact on the amenity of neighbouring dwellings at Lorne Road.
- Overshadowing and loss of outlook
- We are therefore disappointed to see the submission of a bland, standardised scheme which clearly seeks to maximise the usable floorspace of the development and associated profit without proper consideration of impact on local character or amenity.
- The development would therefore be contrary to Section 12 of the NPPF, and Policies B1, B4, BD1, CP6, D1, D2, D3, D5, D6, and HE1 of the Core Strategy and Placemaking Plan and should be refused or withdrawn.

3 other third parties have raised objection to the proposals and their comments are summarised as follows:

- Suitable use for the site
- Entrance sign is too large
- Totem sign will cause harm to residential amenity and visual harm
- Artefact in the entrance hall is inappropriate in this location
- Gull strategy is unacceptable
- Residential amenity will be harmed through noise and disturbance
- Flood risk
- Car club should be considered
- Developer should fund a car club space nearby
- Overbearing signage

One comment of support has been received, from an original objector, following revision to the scheme and is as follows:

It is positive to see the revisions to the applications, my appreciation goes to the removal of the large sign/totem, the adjustments to the building height and the gull management strategy.

I support the application. I have three further comments and questions:

1) Why is there no information required to state HOW the building will be built? There's no information on the construction timeline, operating hours, and mitigation strategy for all the disturbances (foremost - the noise and particulate pollution).
In my view, this should be included such that residents can take a view on different options. To remove this detail is to discriminate against anyone living here for just the next 6-18months, for whom they'll never actually experience the building in its completed operational state.

2) lighting - I still don't see any information on when the building will be lit at night. It talks about low-level lighting, but no detail. Given I live 5 metres from the entrance, this is most important.

3) Car Clubs - several comments were made but not addressed in the revised proposals. It remains insufficient to dismiss the car club space on the untested assumption that there would not be demand from car club providers to use the space during operational hours. Please can this be answered? It's not good enough to let this important opportunity slide.

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)
- Bath & North East Somerset Local Plan Partial Update (2023)
- West of England Joint Waste Core Strategy (2011)
- 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:

B4: The World Heritage Site and its Setting
CP5: Flood Risk Management
CP6: Environmental Quality
CP13: Infrastructure provision
SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy
BD1: Bath Design Policy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D6: Amenity
HE1: Historic environment
NE4: Ecosystem services
PCS1: Pollution and nuisance
PCS2: Noise and vibration
PCS3: Air quality
PCS4: Hazardous substances
SCR2: Roof-mounted/ building integrated scale solar PV
SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

CP3: Renewable Energy
D5: Building design
D8: Lighting
ED2B: Non-strategic industrial premises
NE1: Development and green infrastructure
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation

PCS5: Contamination
SCR7: Sustainable Construction Policy for New Build Non-Residential Buildings
SCR8: Embodied Carbon
SCR9: Electric Vehicles Charging Infrastructure

ST1: Promoting Sustainable Travel
ST3: Transport infrastructure
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

Planning Obligations Supplementary Planning Document (January 2023)

LISTED BUILDINGS:

In addition, 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.'

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT
The main issues to consider are:
- Principle of development
- Flood Risk and Drainage
- Urban design and landscape
- Heritage
- Archaeology
- Highways and transport
- Residential amenity
- Gull Management

- Ecology
- Arboriculture
- Contaminated Land
- Sustainable Construction
- Safety and security
- Targeted Training and Recruitment

PRINCIPLE OF DEVELOPMENT:

Policy B1 of the Placemaking Plan provides the overarching spatial Strategy for Bath. In regard to economic development, it highlights that there is a necessity to provide a net increase of 7000 jobs in the city by 2029. There has been a significant loss of industrial floorspaces within Bath over the last decade as shown within the data for the Bath and North East Somerset Annual Monitoring Report (March 2021). This demonstrated that since 2011 there has been a net loss of 47,386sqm of industrial space. Additional loss is also proposed through site allocations within the development plan.

The Bath and North East Somerset Employment Growth and Employment Land Review by Hardisty Jones Associates and Lamber Smith Hampton (March 2020) provides a useful analysis of the chronic shortage of industrial space within the area and the detrimental impact that this is having on the functional economy. This report demonstrates that negative impact that the loss of industrial space has 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 compound these issues if this trend continues.

The most acute issues are within the industrial and warehouse market segment, which is primarily fuelled by a critical lack of supply in the Bath City area.

The current lawful use of the site would fall within Class E(g)(iii), which relates to industrial processes. The site is currently vacant. The proposal seeks the change of use of the site to B8 (storage and distribution) and the demolition of the existing building to provide a unit for self-storage. The development would increase the industrial/commercial floor area at the site significantly, by 4404.5sqm. The total floor area proposed is approximately 6563sqm. This uplift is clearly supported by Policy B1 and is the development is therefore in accordance with the spatial strategy for Bath.

Policy ED2B directly relates to non-strategic industrial sites. This policy makes clear that for the loss of an E(g)(iii), B2 or B8 use there must be strong economic reasons as to why other uses on these sites would be appropriate, given the chronic lack of industrial land. In this case, an E(g)(iii) use would be being lost but being replaced with a B8 use of increase scale. This follows this policy and is strongly supported.

It is therefore considered that the principle of development it this location is acceptable.

FLOOD RISK AND DRAINAGE:

The majority of the site is located within Flood Zone 2, with parts in Flood Zone 1. The development type (use class B8, storage and warehousing) is classed as "Less Vulnerable". According to the Flood Risk Vulnerability Classification Table 3, this is an

'appropriate type of development'. The building would be located largely in Flood Zone 2 and a sequential test is therefore required.

Paragraph 162 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.

The sequential test submitted with the application defines the Area of Search (AOS) on the basis that the proposed development is aimed at the Bath employment market, aligning with policies B1, ED2A and ED2B. These policies direct employment uses to areas of Strategic and Small Industrial Estates within Bath and the rest of the district. The sequential test submitted justifies the search area to encompass Bath and its immediate surrounds, with emphasis on the existing employment areas of the city as identified within the Bath Spatial Strategy. This is considered acceptable.

The NPPG advises that "when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for development elsewhere".

The following criteria are given in the submitted sequential test which have been used to assessed potential sites within the AOS:

- Site is in an area of lower risk (flood zone 1)
- Given the level of investment required in infrastructure to commence the use only existing industrial/warehouse building(s) or land to be developed for sale should be considered.
- Basic requirements for the existing premises are a floor space of around 5000m2 of floorspace. Potential development sites have to be comparable in size and be able to accommodate the proposal
- Sites safeguarded within the development plan for other uses (or other designations) will need to be critically considered when assessing the potential acceptability of the scheme in these locations
- Whether the site is reasonably available for development.

These criteria are accepted, having had regard to paragraph 33 of the NPPG.

Appendix 1 of the submitted sequential test demonstrates that no comparable sites are available. This is considered to be reflective of the current undersupply within the AOS, which has been acknowledged in the principle of development section above.

It is therefore considered that the requirements of paragraph 162 of the NPPF are met, and the sequential test is passed. There are not sequentially preferable sites which would accommodate the proposed development within the agreed AOS.

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All

development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

Policy SU1 states that for both major development ((as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015)) and for minor development in an area at risk of flooding (from any source up to and including the 1 in 100 year+ climate change event) Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of water runoff.

A drainage strategy has been submitted which is based on discharging surface water into the adjacent watercourse, at a rate which represents a 30% reduction to the previous discharge. The actual level of betterment is greater due to surface water flows also being removed from the foul sewerage. The outline drainage strategy is acceptable in principle.

Alterations are also proposed to the engineered channel to the front of the development alongside the Lower Bristol Road. These alterations are also acceptable in principle.

A full and detailed drainage strategy can be secured by condition. Following discussion with the Drainage Engineer, this condition should be "pre-commencement" except for ground investigations and the demolition of the existing structures on site.

The Environment Agency has also been consulted on the application. They have no objection to the scheme subject to a condition securing compliance with the submitted Flood Risk Assessment and conditions in regard to piling controls and contaminated land. These can be added to any consent.

URBAN DESIGN, LANDSCAPE AND HERITAGE:

The application site is located within two World Heritage Sites. It is not within the Bath Conservation Area. 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 are two storeys in height, primarily terraced, properties which line the opposite side of the street to the application site.

Demolition of existing buildings

The existing laundry building on the site does not make any positive contribution towards the setting of these listed heritage assets, or the character of the locality as a whole. The impact of the existing can be described as being negative/neutral and therefore its removal is not considered to be harmful to the setting of the nearby listed buildings, or the character of the locality.

Description of design proposals and context evaluation

The proposal involves the construction of a single building on the site, which will be set back from the frontage by a greater distance than the existing building. The footprint of the building is large and fills the majority of the site, with the exception of the forecourt and approximately 6.5m border around the side elevations. The building is also set slightly away from the rear boundary.

There are a variety of building types and forms within the immediate vicinity of the site. The immediate context is residential and Regency Laundry Site is somewhat of an anomaly within this location, with residential dwellings sited to the north (on the opposite side of the Lower Bristol Road), east (Lorne Road), south (Lorne Road, Victoria Road and Victoria Terrace) and west (St Peter's Place and St Peter's Terrace).

Moving further afield along the Lower Bristol Road to both the west and east, the character transitions to one which is more mixed, with an increase in commercial units. To the west, the site moves towards the recently consented Dick Lovett site (residential) and Bath Press (residential/commercial). Kia Motors is also located to the north-west of the site. To the east, there are residential properties as well as Pines Way Business Park, Travis Perkins and Platinum Toyota.

This varied character offers some opportunity for a degree of architectural freedom in regard to what may be considered an appropriate design. However, as the site's immediate context is predominantly residential, any design should response sensitively to this character, whilst accepting that the site is currently in an industrial use.

Layout

As aforementioned, the building proposed is set further back from the Lower Bristol Road than the existing. This is to enable the siting of a forecourt to be used for vehicular parking. The building then pushes to the peripheries of the site, leaving a border for landscaping and ecological enhancements; this is around 6.5m. The increased area to the front of the building has allowed for the design of a more successful frontage when compared to the existing building, which will be explored in more detail below. The footprint of the development is accepted in design terms. The site is an anomaly with the immediate context, however views of it from the immediate street scene is limited at pedestrian level. It is also not considered that the building, despite its increased footprint would be harmful in longer range views.

Frontage

The proposal has been revised to address comments made by officers in regard to the building frontage and forecourt. The proposed building frontage features a portico design with large amounts of glazing to the front elevation. Whilst modern in appearance, the portico will utilise Bath stone and metal cladding, samples of which can be secured by condition. The use of stone, whilst featuring sparingly on this elevation, is considered appropriate given the material context. However, the use of metal cladding and glazing breaks up this elevation and provides design interest. It also ensures that the building, with its angular design, does not appear monolithic. Given the proposed use of the site as self-storage, the design is considered to be appropriate to the setting and innovative in terms of its use of materials and portico to break up the massing.

The forecourt area has been redesigned so as to reduce the dominance of vehicular parking to the front elevation. Planting and trees are proposed, as well as a bridge across the existing watercourse which runs through the site. Making use of features such as this is supported. The addition of planting is considered to be acceptable and an enhancement to the street scene, given that the Lower Bristol Road severely lacks in Green Infrastructure. The forecourt area provides a pleasing setting to the building, whilst not

detracting from the architectural design of the building. The railing design should reflect the character of the locality, and further details of boundary treatments can be secured by condition.

Height, Scale and Massing

The Bath Preservation Trust, June Player and other third parties have raised concerns in regard to the scale and massing of the proposed building. In response to this and officer concerns, revised proposals were submitted. These changes included:

- Reduction to the overall height of the building from 12.5m to 12m (approx.)
- Reduction in eaves level from 9.8m to 9.25 (approx.)
- Additional of recessed bays to the side elevations to break up the overall massing

For the avoidance of doubt, the Bath Preservation Trust have not removed their objection.

The proposed building has a lower height than St Peter's Place, which is a converted church and the focal building along this part of the Lower Bristol Road. The setting back to the building and slight reducing in height does help in retaining this character. As described above, it is not considered that from the frontage, the site is overly dominant or inappropriate within its context. It is considered that the revised scheme sufficiently responds to the context in this regard, despite the height of the building.

The building is significant in scale and massing and officers accept and acknowledged this. As originally proposed, no articulation to the massing was proposed. Suggestions were made by officers as to how this may be achieved to reduce the solid mass of built form on the site. The applicant has created inset panels along the side elevation on Lorne Road and the elevation bordering the school. These are fairly small, but this has been justified through the space requirements for the proposed use as self-storage. The Planning Statement Addendum makes clear that in order to be a successful and viable site, a certain level of floorspace needs to be achieved. The inset areas along the boundaries does provide some articulation, as does the use of the metal panelling. The site has very limited visibility from the public realm, with particular reference to the Lower Bristol Road. Whilst the frontage is highly visible, it is not possible to appreciate the depth of the site from this viewpoint. From wider views, the site already has an industrial character in itself and there is not a concern in this regard.

Given the limited visibility from street level, and the articulation, which is now being proposed, officers consider that, on balance, the proposal is acceptable in urban design terms. Whilst its character does not reflect the surrounding residential developments, it is appreciated that the site itself has a commercial character and has done since the 1800s. It would therefore be difficult for a commercial site to emulate its residential context. The use of the roof, which is stepped in from the side elevations of the building, breaks up the massing somewhat, adding some articulation to the roof form, although the large floorplate does limit its effectiveness in doing so somewhat. Carefully balancing the residential context against the historic and existing commercial uses, the proposed use, and the setting back of the building within the site, it is considered that on balance, the height, scale, and massing are acceptable.

Impact to heritage assets

The application has the potential to impact on a number of heritage assets. This includes the two Bath World Heritage Sites; the City of Bath and The Great Spa Towns of Europe. The City of Bath World Heritage Site was inscribed in 1987 and the Great Spa Towns of Europe of inscribed onto the UNESCO World Heritage List in 2021. Both designations are of very high significance. The site is within the setting of a number of Listed Buildings which includes Victoria Buildings, nos. 30, 31 and 32 Lower Bristol Road and 1-6 Park View which are all Grade II Listed. St Peter's Place, which is unlisted, is adjacent to the site and considered to be a non-designated heritage asset.

The design changes which have been submitted during the course of the application are considered to address the comments provided by the B&NES Conservation Officer, who, following discission, has no objection to the scheme. The re-use of the Belfast Trusses in some capacity is welcomed from a heritage perspective.

The setting back of the building within the site increases the visual separation between it and the listed buildings on the opposite site of the Lower Bristol Road. The Bath Preservation Trust have raised that the development will overshadow Victoria Buildings (Grade II) and would challenge the conical roof form of St Peter's Place (unlisted). This is not a view shared by officers. The setback in of the building within the site is considered sufficient to provide a visual separation between the building and Victoria Buildings; the relationship with St Peter's Place has already been addressed. The green setting proposed to the frontage is considered to enhance the setting of other nearby buildings, compared to the existing hard frontage. Taking account of these factors, the proposals do not cause harm to the significance of the nearby listed buildings or to St Peter's Place.

Consideration has also been given to the Outstanding Universal Values of the World Heritage Sites, which are not considered to be harmed by the proposal.

Overall, the design of the scheme is considered to be acceptable and will not cause heritage harm.

Design conclusion

The proposal is considered to comply with the relevant design policies and be in accordance with policy CP6 of the Core Strategy, policies BD1, B4, D1, D2, D3, D4, HE1 of the Placemaking Plan and policy D5 of the Local Plan Partial Update.

ARCHAEOLOGY:

Based on the submitted information, it is not considered that the proposal will impact upon significant archaeology.

The development therefore accords with policy HE1 and Part 16 of the NPPF, in this regard.

HIGHWAYS AND TRANSPORT:

Following an initial consultation response from the B&NES Development Management Highways Officer, additional highways information and revised plans have been received. The report assesses these in Highways terms below.

Site access

The revised site layout plan shows an improved pedestrian route to the building from the public highway which resolves earlier safety concerns raised.

It is detailed that the existing two accesses are to be replaced to one access, approximately 7m wide located towards the east of the site.

The length of the dropped kerb at the site access is now shown on the plans and this will need to be incorporated into the highway works to facilitate the site access. The adjacent site also has a dropped kerb, and it may be more appropriate to provide a continuation of the drop, rather than raising the kerb in the middle. However, this can be agreed at a later date as part of the technical design process; a license will need to be secured for the kerb under Section 184 of the Highways Act 1980. This is a process that is separate from planning. The site access works, including the removal of the existing dropped kerb at the closed access, can be secured via planning condition.

The Swept Path Analysis of the proposed access arrangements show that a Refuse Collection Vehicle and Articulated Vehicle overrun the opposing carriageway when vehicle turns left out of the site towards the west. However, this has been an existing situation with the two narrow accesses and the single widened access will be a betterment. Additionally, the Transport Statement notes that lorries will not be expected to use the site access on a regular basis - 94% of the traffic is predicted to be cars and light goods vehicles.

The means of access is considered to be acceptable.

Trip Impact and Highway/Transport Capacity

Section 7 of the Transport Statement considers the Traffic impact of the development. The assessment includes a comparison of the estimated trip generation of the existing use and the proposed use generated from the TRICS database. TRICS is the industry standards system for estimating trip generation.

The existing land use is estimated to generate 9 two-way movements in the morning peak hour and 6 in the evening peak hour. The proposed building is estimated to generate 13 two-way movements in the morning peak hour, 13 in the evening. The busiest time will be between 12noon and 1pm, where 26 trips are generated. Over the course of a day (only 12 hours available in TRICS), the site estimated to generate 201 movements in total.

The Transport Statement suggest that as the applicant is developing the site for its own use, it is appropriate to use its own visitor number based on other Vanguard sites which demonstrate a not dissimilar trip generation. However, the proposal would not be bound to Vanguard as an occupier. Therefore, officers rely on the TRICS data, which estimates that the proposal would generate around one additional vehicle around every 15 minutes in the morning peak and every 8 minutes in the afternoon peak.

This is not considered a significant change in the context of the local highway network and is therefore acceptable.

Cycle and vehicular parking

20no. cycle parking spaces are provided, which is considered to be in accordance with the Transport and Developments Supplementary Planning Document (SPD).

The Transport & Development SPD details that for B8 storage and distribution, a maximum of 1 parking spaces should be provided per 250m2; a maximum of 26no. car parking spaces are therefore required.

A revised Accessibility Assessment has been submitted in support of a car parking provision of 13no. spaces. Highways officers have reviewed this assessment and are in agreement that the provision of 13no. spaces is acceptable and appropriate in this location.

Electric Vehicle Charging

The proposal includes four spaces which will have EV charging provision. This is in compliance with the Transport and Developments SPD. The SPD also requires that 50% of all spaces should be provided with passive charging, so that EV charging can be provided in the future. This can be secured via planning condition.

Refuse and emergency vehicle access

The refuse store is considered to be in an acceptable location to the east of the proposed building. Refuse vehicles are able to access the site, reverse to the bin store location and exit the site in a forward hear, and articulated lorries that occasionally visit the site can also manoeuvre on and off the highway in forward gear which is acceptable.

Travel Plan

The Transport and Development SPD makes clear that for new employment development, a Travel Plan will be required. This is to ensure that developments across the area support sustainable transport and minimise negative impacts. Tables 6.1 and 6.2 of the Transport and Development Supplementary Planning Document set out the indicative thresholds for Travel Plans and fees.

The Transport Statement provides a Travel Plan, but this is lacking in some detail. The operation of the site will be low-key, with approximately 4 full time employees. The use of the site as self-storage has been secured by way of condition and therefore any other operations within use class B8 (or any use outside of this) would require full planning permission. Given the low level of full time staff associated with the proposed use as self-storage, it is not considered that a full Travel Plan and therefore Travel Plan Bond is required. A Travel Plan Statement is considered to be more appropriate given the condition securing the use as self-storage and this can be secured by way of planning condition. This also negates the requirement for a Travel Plan bond to be secured via Section 106, as this would not be justified without the requirement for a full Travel Plan.

Car Club

Third parties have raised that a Car Club arrangement should be secured at the time. Given the nature of the development, this is not considered necessary to make it acceptable in highway terms and has therefore not been sought.

Overall, subject to conditions and the securing of the Travel Plan and bond, the proposal is considered to comply with the relevant transport policies of the Local Plan Partial Update.

RESIDENTIAL AMENITY:

A number of concerns have been raised by third parties in regard to residential amenity. For clarity, the impacts of the developments on different clusters of dwellings will be assessed, as there are properties surrounding the site.

St Peter's Place

St Peter's Place is located to the north-west of the existing Regency Laundry building. The existing building is located within close proximity to St Peter's Place, with the closest element of built form being approximately 1.5m away. This element of built form is single storey. The closest two storey element (the main laundry building) is approximately 7.8m from St Peter's Place.

No windows are proposed along the side elevation of the property which eliminates the potential for overlooking. Whilst the frontage does involve some levels of glazing, given the set back of the building from St Peter's Place, this is considered acceptable.

The proposed storage building will be located further back into the site. From the closest point of St Peter's Place, it is approximately 7.6m away. The relocation of the building within the site has the advantage of allowing an improved outlook from the windows on the pentagonal protrusion of St Peter's Place.

It is noted and acknowledged that the proposed building is taller than the existing, by approximately 3.5m. There is therefore the potential for increased shadowing as a result of the proposal. Appendix A of the Design and Access Statement provides a shadow analysis for St Peter's Place. It demonstrates that there will be some increased shadowing due to the increased height, but as a result of the siting of the proposed building further towards the rear of the site, this will not significantly impact St Peter's Place during the Summer Solstice and Spring Equinox. During the Winter, St Peter's Place already suffers from shadowing and the proposal is not considered to significantly worsen the existing situation. It is therefore accepted by officers that there will be some overshadowing from the development, but not to a significant level which would warrant a refusal of the application on this basis.

A number of residents have raised concerns in regard to Seagulls and the proposed Gull Strategy. This will be reviewed separately in the next section of this report.

St Peter's Court

The flats at St Peter's Court are around 21m to 25m away from the proposed building on the site. Landscaping is proposed along Marl Brook which will have the advantage of

providing some softening and screening to the development. Given this and the distance of separation, it is not considered that these residents would be significantly harmed by the development.

18 St Peter's Terrace

This dwelling is sited directly adjacent to the site and fronts the Lower Bristol Road. Windows are located on the side elevation of this dwelling which face into the site. The setting back of the building and enhancements to the site frontage will likely enhance the outlook from this dwelling.

Lorne Road

Lorne Road is located to the east of the site. The rear gardens of nos. 53-68 back onto the Regency Laundry site. The distance of the rear elevations of these dwellings from the site boundary varies slightly depending on the depth of the rear gardens; the range is approximately 13m to 17m. The proposed building is set away from the site boundary by approximately 6m. The properties on Lorne Road and their gardens are set at a ground level which is higher than the Regency Laundry site. This is demonstrated most clearly in Section B-B on drawing 452.P.200 P2.

No windows are proposed along the side elevation of the storage unit and as such, the potential for overlooking and loss of privacy is eliminated.

Overbearing:

In regard to potential overbearing impacts, it is noted and accepted that the height of the proposed building is greater than the existing arrangement. The building is set away from the boundaries with these dwellings by approximately 6m and there is a drop in the ground level between the properties and the site. As part of the landscaping proposals, semi-mature trees are proposed along this boundary to provide screening and softening. Perhaps most important to note is the existing situation. Some of the dwellings on Lorne Road (nos. 52-62) towards the rear of the site currently border the disused Dry-Cleaning Unit. The wall of this unit adjoins the boundaries of these properties and is considered to be an unsightly boundary treatment. The proposed building, although taller than this structure, is to be set away from the boundary with some tree planting in the land between the dwelling boundary and the building. This will soften the overall appearance of the building and for these dwellings, it is not considered that the proposal will appear significantly overbearing than the existing situation.

Nos. 63-68 also have gardens which face onto the site. From these gardens a number of buildings, as existing are visible, namely the main laundry building itself. Vegetation located in the rear gardens of nos. 66-68 provides screening for these residents as existing. The trees/vegetation are not within the sire boundary but within the gardens of the dwellings. It is noted and accepted that the existing building is lesser in height than the proposed structure. However, given the long gardens these properties have and the setting back of the proposed building, combined with the landscaping, it is not considered that the level of overbearing impact would be significant to warrant a refusal. The existing context must also be considered. The site is in a built-up urban area of Bath, where back-

to-back distances are generally lower than can be expected in suburban and rural contexts.

Overshadowing and loss of light:

The submission includes a shadow analysis within the Design and Access Statement which is welcomed. Lorne Road lies to the west of the development site and therefore, given the path of the sun over the course of the day, there is the potential for overshadowing during the afternoons.

The shadow analysis shows the development during the Summer Solstice, Spring Equinox, and Winter Solstice during 4 different time points over the course of the day. During the Winter months, as a result of the height of the sun, there is little tangibly difference in the amount of shadowing afforded to these dwellings when compared to the existing situation. During the Spring months there will be increased shadowing in the latter parts of the afternoon, into the evening and this is demonstrated on the 6pm shadow diagram. This shadowing will be to the backs of the houses themselves. Whilst there is an increase, this relates to direct sunlight only and the shadowing which will occur as a result. It is considered that given the separation distance between the building and the rears of the dwellings, these dwellings will still be afforded sufficient light during this part of the day.

The most significant difference is during the Summer Solstice. As with the Spring Equinox, there is no difference in the amount of shadowing up until 3pm, as demonstrated by the shadow analysis. During the latter parts of the afternoon and evening, there will be some additional shadowing, as shown on the 6pm diagram. The development will cause overshadowing to the majority of the gardens along this part of Lorne Road, to an increased extent. Officers accept that this is a worsening of the existing situation. However, within a built-up urban context, a degree of shadowing is to be expected, particularly given the fact that this is a commercial site within this context. The impacts will be felt for a small number of months during the year and during limited times (the late afternoon/early evening). Again, this relates to direct sunlight, and it is not considered that the proposals would result in a significant loss of indirect light to these dwellings.

The case officer has reviewed the sun diagrams, drawings and has visited the application site and a detailed consideration has been given to these matters. On balance, it is considered that although there will be an increased impact to the residential amenity of these occupiers due to overshadowing, given the existing site context, the small number of months and times of day when this impact will be most apparent, on balance the proposal would not result in a significant impact referred to by policy D6.

Loss of Outlook:

It has been cited in third-party comments that the proposal will result in a loss of outlook from the dwellings on Lorne Road.

As explained above, nos. 52-62 directly border a tall building on the existing site. It is considered that the scheme, which sets the proposed building further away and proposes landscaping would not result in a loss of outlook for these occupiers, given the existing context.

In regard to nos. 63-68, these dwellings currently look out onto the Regency Laundry site, which cannot be said to be a positive outlook. Whilst the development will introduce taller built form for these dwellings, the use of landscaping will soften this visual appearance. Again, it is acknowledged that the proposal will alter the outlook for these dwellings, given the existing context and the merits of the proposal, it is not considered that this would cause a significant impact which would warrant a refusal under policy D6.

Oldfield Park Infant School

The looks of outlook and impacts to Oldfield Park Infant School have also been raised as a concern by third parties. Policy D6 does not refer to schools. However, officers have considered the amenity impact to pupils of this school.

Pupils are no present at the school 24/7. Whilst the building may have some impact to the school spaces, most likely from early morning shadowing, it is not considered that there would be a policy reason to refuse the development on this basis.

Noise and disturbance

A number of concerns have been raised in regard to noise and disturbance during construction and operation.

A construction management plan will be secured by way of condition to ensure that noise during construction is minimised so far as possible.

The Planning Statement notes that other Vanguard sites operate 7am until 7pm during the week with shorter hours on a weekend. This is considered to be reasonable within an urban context. The use of the site as self-storage means that there will not be any industrial processes occurring and, in this regard, the proposed use is likely to be less disruptive than the existing lawful use. A condition can secure the hours of operation.

Careful consideration has been given to the impacts upon the local residents, given the close relationship that this commercial site has with residential properties. It is acknowledged that there will be increased impacts as a result of the scheme. However, on balance, it is concluded that these impacts will not be significant to a point which would warrant a refusal reason on this basis. As such, the scheme is considered to comply with policy D6.

GULL MANAGEMENT:

A number of concerns have been raised in relation to gulls. B&NES has an Urban Gull Strategy (2016-2019) and an Advisory Leaflet which provides a guide as to how developers can prevent nesting gulls on roofs. A Gull Management Plan has been submitted with the application and the Gull Officer was consulted for comment.

A revised Gull Management Plan was submitted to the Council on the 26th June 2023 following discussion with the Gull Officer.

The Gull Management Plan proposes a number of measures which would help to prevent nesting gulls on the roof of the development. These include, but is not limited to, the following:

- Roof patrols
- Red coating on floor and inner roofs
- Litter and waste controls

The Gull Officer has stated that the Gull Management Plan is viable as it stands, but there are things which could improve it still further. Officers have considered the three points raised which include that it is specified that the patrols cover all parts of the roof, steeply angled galvanised steel mesh is installed over the guttering and B&NES monitor compliance. However, given that the plan is considered acceptable in its current form it is not considered reasonable or justified to seek further amendment. Compliance with the plan will be secured by way of planning condition.

ECOLOGY:

Following initial consultation with the Council's Ecologist, an Illustrative Site Lighting Strategy, revised plans and an Ecology Letter has been submitted.

Species

With the exception of bird scarers, the measures to protect and deter nesting gulls as per the Ecology Letter (Clarkson and Woods, February 2023) during the demolition of the buildings would be supported. A Wildlife Protection and Enhancement Scheme has been submitted and is accepted; a condition securing compliance with this document will be added to the decision notice.

Biodiversity Net Gain

Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). In the case of major developments, a BNG of a minimum of 10% must be demonstrated using the latest DEFRA metric (or agreed equivalent), by a suitably qualified and/or experienced ecologist. BNG will be secured in perpetuity (at least 30 years) and a management plan will be required detailing how the post-development biodiversity values of the site will be secured, managed, and monitored in perpetuity.

A full BNG Metric has been submitted, using DEFRA version 3.1 which was the most-up-to-date version at the time of submission. The spreadsheet demonstrates that the scheme can deliver 68.58% net increase in habitats, as well as a 25.46% uplift in river units.

The scheme is therefore in full compliance with policy NE3a, and a condition can be added to any decision notice to secure a full and final BNG Plan, to secure long term management.

Lighting

The Illustrative Lighting Strategy (drawing no. 452.P.012 P1) demonstrates that a sensitive lighting scheme has been designed. In the more sensitive areas along each side of the building and to the rear, lighting will be limited to low level luminaires. This will help

to avoid spill onto trees and Marl Brook. The general specifications include narrow spectrum warm white LED down lights and bollard lights. A full and final specification can be secured by condition.

There is no ecological objection to the scheme.

ARBORICULTURE:

Local Plan Partial Update policy NE6 has regard to trees and woodland conservation. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

An Arboricultural Method Statement and Tree Protection Plan were submitted to the Council on 21st June 2023. The Council's Arborist has assessed these documents and considers them to be acceptable. They will ensure that the trees on third party land are sufficiently protected during demolition and construction. Compliance can be secured by way of planning condition,

The proposed landscaping of the site consists of strips of land around the perimeter which are to be planted with deciduous trees. A landscaping condition is proposed to secure further details of the proposed tree species so that this can be given further consideration.

CONTAMINATED LAND AND AIR QUALITY:

Taking into account the potentially contaminative historical use of the site as a tannery and laundry service, with the likely use and storage of solvents and chemicals, the use of numerous tanks on site, and the sensitivity of the surrounding area including a surface water feature adjacent to the site, a number of conditions are recommended to ensure that the development is safe. Subject to these conditions, there is no objection to the scheme in regard to contaminated land.

The application falls within the Bath Air Quality Management Area. Measures to mitigate the effects of demolition and construction on nearby residents, with particular regard to dust, can be secured by condition through a construction management plan. The number of vehicular trips to the site will be relatively low, with limited HGV movements. It is not considered that the proposal will give rise to unacceptable levels of pollution.

SUSTAINABLE CONSTRUCTION:

Policy SCR7 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Non-Residential Development. 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.

The Sustainable Construction Checklist has been updated as part of the LPPU. An old-style SCC has been submitted with the application, which was made valid before the adoption of the LPPU. However, in this case, this is considered acceptable because the SCC demonstrates a 100% regulated operational carbon emissions reduction as required by the policy. The scheme is compliant with policy SCR7 in this regard. The use of renewables is supported, and this contributes significantly to the achievement of this target.

Policy SCR7 is a "two-part" policy which not only requires that major development achieves a 100% regulated operational carbon emissions reduction from Building Regulations Part L, but also requires that this is demonstrated through a Sustainable Construction Checklist, having regard to the SPD which was adopted in January 2023. As above, the scheme complies with SCR7 in so far as a 100% carbon emissions reduction has been achieved. However, it does not comply in the respect of this being demonstrated through a new Sustainable Construction Checklist. A checklist has been submitted, but this is an old version relating to policies pre-LPPU.

Although the policy specifies that a new style checklist, post LPPU, be submitted to demonstrate the 100% reduction, officers consider that the 100% reduction (which is the key element of this policy) has been demonstrated, albeit on a superseded version of the checklist. In this instance, the demonstration of compliance with the 100% reduction through a superseded checklist is not considered to be a material departure from this policy, nor attributed any weight when deciding whether to approve or refuse this application. The scheme is in compliance with the general thrust of this policy in this case.

Policy SCR8 of the Local Plan Partial Update relates only to large scale new-build development (a minimum of 50 dwellings or a minimum of 5000m2 of commercial floor space). Such developments are required to submit an Embodied Carbon Assessment, having regard to the SCC SPD, which demonstrates a score of less than 900kgCO2/m2 can be achieved within the development for the substructure, superstructure and finished.

Although not a policy requirement at the time of submission, at the request of the case officer, the applicant has provided a whole life carbon assessment. This assessment shows that the development will have embodied carbon emissions of 258.34 kgCO2/m2. The scheme is compliant with policies SCR8.

SAFETY AND SECURITY:

Paragraphs 92, 97 and 130 of the NPPF require crime, disorder, and fear of crime to be considered at the design stage of development.

The surveillance for the proposed cycle store is low, given its location and it has been recommended by the Designing Out Crime Officer that this is relocated ot the atrium. However, for space and design reasons this is not possible. Therefore, a dedicated CCTV fixed camera must be trained on the cycle storage, which is capable of reproducing identification quality images in all lighting conditions.

A CCTV plan and specification can be secured via planning condition.

TARGETED TRAINING AND RECRUITMENT:

The proposal triggers the requirement for a financial contribution towards Targeted Training and Recruitment. The developer has agreed to a contribution of £6545 to be used towards the following:

- 11 work placements
- 2 apprenticeship starts
- New job adverts

This contribution will be secure through a Section 106 agreement.

PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—
(a) eliminate discrimination, harassment, victimisation
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION:

The scheme has been assessed against the relevant planning policies of the development plan and careful consideration has been given to the comments of consultees and third parties. It is considered that the scheme accords with the development plan as a whole, and it can therefore be recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

0 A). Authorise the Head of Legal and Democratic Services to complete a Legal Agreement to secure:

1. A financial contribution of £6,545 towards Targeted Training and Recruitment

B.) Subject to the prior completion of the above agreement, authorise the Head of Planning to PERMIT subject to the following conditions (or such conditions as may be appropriate):

1 **Standard Time Limit (Compliance)**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2 **Contaminated Land - Investigation and Risk Assessment (Bespoke Trigger)**
No development shall commence, except for ground investigations and demolition, required to undertake such investigations, until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

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

(ii) an assessment of the potential risks to:

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

3 **Contaminated Land - Remediation Scheme (Bespoke Trigger)**
No development shall commence, except for ground investigations and demolition required to undertake such investigations, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

1. A preliminary risk assessment which has identified:
i) All previous uses
ii) Potential contaminants associated with those uses

iii) A conceptual model of the site indicating sources, pathways, and receptors
iv) Potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of remediation measures required and how they are to be undertaken
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action

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

Reason: In order to ensure that the land is suitable for the intended uses, for the protection of controlled waters 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 policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

4 **Construction Management Plan (Bespoke Trigger)**
No development shall commence, except demolition and site clearance 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;
9. Temporary arrangements for householder refuse and recycling collection during construction.

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. This is a pre-commencement condition because any initial construction could have a detrimental impact upon highways safety and/or residential amenity.

5 **Construction Dust Environmental Management Plan (Bespoke Trigger)**
No development shall commence, except demolition and site clearance, until a Construction Dust Environmental Management Plan for all works of construction has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction activities. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the amenities of the occupants of adjacent residential properties in accordance with Policies D6 and PCS3 of the Bath and North East Somerset Placemaking Plan.

6 **Demolition Plan (Compliance)**
The demolition and site clearance shall be carried out in accordance with the submitted Demolition Plan (received by the Local Planning Authority 11th April 2023) and Traffic Management Plan (received by the Local Planning Authority 2nd May 2023).

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update.

7 **Detailed Drainage Strategy (Bespoke Trigger)**
No development shall commence, except demolition and site clearance, until a detailed drainage design based on the approved strategy contained within the Flood Risk Assessment has been submitted and approved in writing by the Local Planning Authority. The design is to include plans, detailed drawings (flow controls, attenuation structures, watercourse modifications) and calculations demonstrating the performance of the surface water system at the critical 1 in 1, 30 and 100 +45% storm durations. The site's drainage infrastructure shall be installed in accordance with the details so approved.

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

8 **Biodiversity Gain and Habitat Management Plans (Bespoke trigger)**
No development shall commence, except demolition and site clearance, until full details of a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver 0.89 habitat units and 0.14 river units. The Plans shall be in accordance with the approved Biodiversity Net Gain Assessment and with current best practice guidelines and shall include the following:

1. An up to date BNG habitat map for on-site proposed habitats.
2. Habitat Management Plan- long-term management and protection measures for all retained habitats and species, including fencing and boundary details.
3. Long term aims and objectives for habitats (extents, quality) and species.
4. Detailed management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods; specialist expertise (if required),

specialist tools/machinery or equipment and personnel as required to meet the stated aims and objectives.
5. A detailed prescription and specification for the management of boundary habitats including hedgerows, woodland, and scrub.
6. Details of any management requirements for species-specific habitat enhancements.
7. Annual work schedule for at least a 30 year period.
8. A list of activities and operations that shall not take place and shall not be permitted within the HMP Plan area (for example use of herbicides; disposing of grass cuttings / arisings in "compost" heaps on-site or in hedgerows (or other on-site waste disposal); routinely cutting ivy where there is no specific arboricultural justification; inappropriate maintenance methods; storage of materials; machine or vehicle access).
9. Detailed monitoring strategy for habitats and species, particularly the mixed scrub and urban tree habitats, and methods of measuring progress towards and achievement of stated objectives.
10. Details of proposed reporting to the Local Planning Authority and proposed review and remediation mechanism.
11. Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

9 **Boundary Treatments (Bespoke Trigger)**
No development beyond slab level shall commence until full details of the boundary treatments to the site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

1. Materials and specifications of all boundary treatments (including walls, fencing and railings)
2. Colour and finish of all boundary treatments
3. Scaled elevation drawings of the boundary treatments
4. Scaled plans showing the locations of each boundary treatment

The site shall be bounded in accordance with the boundary treatment(s) so approved.

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

10 **Landscape Design Proposals (Bespoke Trigger)**
No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours

2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (e.g., outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (e.g., drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment, Biodiversity Gain Plan and ecological report shall include:
1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

11 **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 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.

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 policy CP6 of the Bath and North East Somerset Core Strategy, policies D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

12 **Contaminated Land - Verification Report (Pre-occupation)**
No occupation shall commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The report shall include the results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: In order to ensure that the land is suitable for the intended uses, for the protection of controlled waters 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 policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework.

13 **Ecological and Biodiversity Net Gain Compliance Report (Pre-Occupation)**
No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist based on post-construction site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological measures as detailed in the approved ecology report and Biodiversity Net Gain Plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
2. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
3. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

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

Reason: To prevent ecological harm and to ensure that biodiversity net gain is successfully provided in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

14 **CCTV Plan (Pre-occupation)**
No occupation/use of the development shall commence until a CCTV Plan and Schedule has been submitted to and approved in writing by the Local Planning Authority. The CCTV Plan and Schedule shall include the following:

1. Scaled plan showing the locations of all CCTV cameras
2. Specifications of all CCTV cameras to be used
3. A dedicated fixed camera trained on the cycle storage, capable of reproducing quality images in all lighting conditions.

The CCTV cameras and equipment shall be installed in accordance with the approved details prior to the first use of the site and maintained thereafter.

Reason: In order to provide a safe and secure development, in accordance with the National Planning Policy Framework.

15 **Highway Works (Pre-occupation)**
No occupation of the development shall commence until the highway works shown on drawing number 1174-007 Rev D has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure that the development is served by a safe and suitable and adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

16 **Electric Vehicle Charging Points (Pre-occupation)**
No building or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points
of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation
and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

17 **Flood Risk Assessment (Pre-occupation)**
The development shall be carried out in accordance with the submitted Flood Risk Assessment (Regency Laundry, St Peter's Terrace - Flood Risk Assessment & Drainage Strategy, ref. 22241-FRA&DS-01 v.2 dates October 2022, Jubb Consulting Engineers Ltd.) and the following mitigation measures it details:

1. Finished floor levels shall be set no lower than 19.85 metres above Ordnance Datum (AOD), as detailed in section 9.1.3.
2. Flood resilient construction techniques shall be incorporated into the design of the proposed development as detailed in section 9.1.5

These mitigation measures shall be fully implemented prior to occupation. They shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of the flooding to the proposed development, in accordance with policy CP5 of the Bath and North East Somerset Core Strategy and Part 14 of the NPPF.

18 **Implementation of Landscaping Scheme (Bespoke Trigger)**
All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed, or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and

soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

19 **Landscape Management Plan (Pre-occupation)**
A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the local planning authority prior to the first occupation/use of the development. The landscape management plan shall be carried out as approved.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

20 **SCR7 Non-Residential Properties (Pre-occupation)**
No occupation/use of the development hereby approved shall commence until the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document 2023) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority, together with the further documentation listed below. The development must comply with the requirements of SCR7.

Energy performance calculations (e.g., SBEM) and the tables below are to be updated with as-built performance values.

1. Table 3
2. Table 5 (updated)
3. Building Regulations Part L post-completion documents for renewables;
4. Building Regulations Part L post-completion documents for energy efficiency;
5. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR7 of the Bath and North East Somerset Local Plan Partial Update.

21 **SCR8 Embodied Carbon (Pre-occupation)**
No occupation/use of the development hereby approved shall commence until the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR8.

Post-Completion Stage (using as-built values)
1. Table 6
2. Table 7

3. Site energy (including fuel) use record
4. Contractor confirmation of as-built material quantities and specifications
5. Record of material delivery including distance travelled and transportation mode
6. Waste transportation record including waste quantity, distance travelled and transportation mode
7. List of product specific EPDs for the installed products and materials

Reason: To ensure that the approved development complies with Policy SCR8 of the Bath and North East Somerset Local Plan Partial Update Local Plan Partial Update.

22 **CP4 - District Heating (Pre-occupation)**
Prior to occupation of the development hereby approved, a document demonstrating how the building has been futureproofed for connection to a district heating network shall be provided for approval. The document should state the preferred intake route for the district heating pipework to the heating plant room(s). The document should show how the building design follows the relevant clauses of Objective 3.4 "To Design or Modify Suitable Space Heating and Domestic Hot Water Services Systems" of the CIBSE & ADE Heat Networks: Code of Practice for the UK. Where a clause is not relevant the document should state why. Multi-residential buildings should also demonstrate how the design follows the relevant clauses of Objective 3.9 "To Achieve an Efficient Heat Distribution System Within a Multi-residential Building and Reduce Risk of Overheating".

Reason: To ensure that the approved development complies with Policy CP4 of the Core Strategy

23 **Piling controls (Bespoke Trigger)**
No piling or other penetrative founding methods are permitted unless details have first been submitted to and approved in writing by the Local Planning Authority. Any proposals for foundation methods that interconnect/span different ground strata and geology must be supported by an assessment of the risks to controlled waters. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect controlled waters and to ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

24 **External Lighting (Bespoke Trigger)**
No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with, but not limited to, the approved Illustrative Site Lighting Strategy (drawing number 452.P.012 P1) and shall include:

1. Lamp models and manufacturer's specifications, positions, numbers, and heights;
2. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife.

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

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

25 **Travel Plan Statement (Pre-occupation)**
Prior to the first operation of the site, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be operated in accordance with the approve Travel Plan Statement.

Reason: In the interests of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

26 **Gull Management Plan (Compliance)**
The development hereby approved shall be constructed and operated in complete accordance with the Urban Gull Management Plan (Clarkson & Woods), dated June 2023.

Reason: To prevent nesting gulls.

27 **Hours of Use - Commercial (Compliance)**
No employee shall remain on the premises outside of the hours of:

Monday to Friday (inclusive): 06:30 - 19:30
Saturdays: 08:30 - 18:30
Sundays and Bank Holidays - 09:30 - 16:30

No customer shall be served or remain on the premises, nor any customer vehicles enter the premises outside of the hours of:

Monday to Friday (inclusive): 07:00 - 19:00
Saturdays: 09:00 - 18:00
Sundays and Bank Holidays - 10:00 - 16:00

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

28 **Removal of Permitted Development Rights - Use Class (Compliance)**
Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for self-storage with ancillary business function and for no other purpose in Class B8 of the schedule to that Order.

Reason: In order to protect the residential amenities of the neighbouring occupiers, in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

29 **Wildlife Protection and Enhancement Scheme (Compliance)**
The development hereby approved shall be carried out in accordance with the approved Wildlife Protection and Enhancement Scheme (Clarkson Woods, dated June 2023). All

works within the scheme shall be carried out in accordance with the approved Schedule of Works in Appendix A.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update. 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.

30 **Arboriculture - Compliance with Arboricultural Method Statement (Compliance)**
All protective measures as stated in the approved Arboricultural Method Statement and Tree Protection Plan (dated 8th June 2023, revision 1) shall be fully implemented prior to the commencement of development and retained for the duration of the construction. No development or other operations shall thereafter take place except in accordance with the approved details.

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

31 **Plans List (Compliance)**
The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST:

1 This decision relates to the following plans:

242-001 P2. Landscape Plan
242-201 P2. Planting Plan
242-801 P2. Illustrative Masterplan
452.P.011 P4. Site Plan as Proposed
452.P.012 P1. Illustrative Site Lighting Strategy as Proposed
452.P.100 P2. Ground Floor Plan as Proposed
452.P.101 P2. First Floor Plan as Proposed
452.P.102 P2. Second Floor Plan as Proposed
452.P.103 P2. Third Floor Plan as Proposed
452.P.104 P2. Floor Plan as Proposed
452.P.200 P2. Section A-A and B-B as Proposed
452.P.201 P2. Section C-C and D-D as Proposed
452.P.201 P2. Section C-C and D-D as Proposed
452.P.210 P2. Context Sections as Proposed
452.P.300 P2. Context Elevations as Proposed
452.P.301 P2. Context Elevations as Proposed
452.P.302 P2. Elevations as Proposed
452.P.303 P2. Elevations as Proposed

Above plans all received by the Local Planning Authority 17th March 2023

242-401 P1. Tree Pit Details.
452.S.001 P1. Location Plan

Above plans both received by the Local Planning Authority 2nd November 2022

2 **Permit/Consent Decision Making Statement**

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

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

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

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

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

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

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

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

4 **Community Infrastructure Levy - General Note for all Development**

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

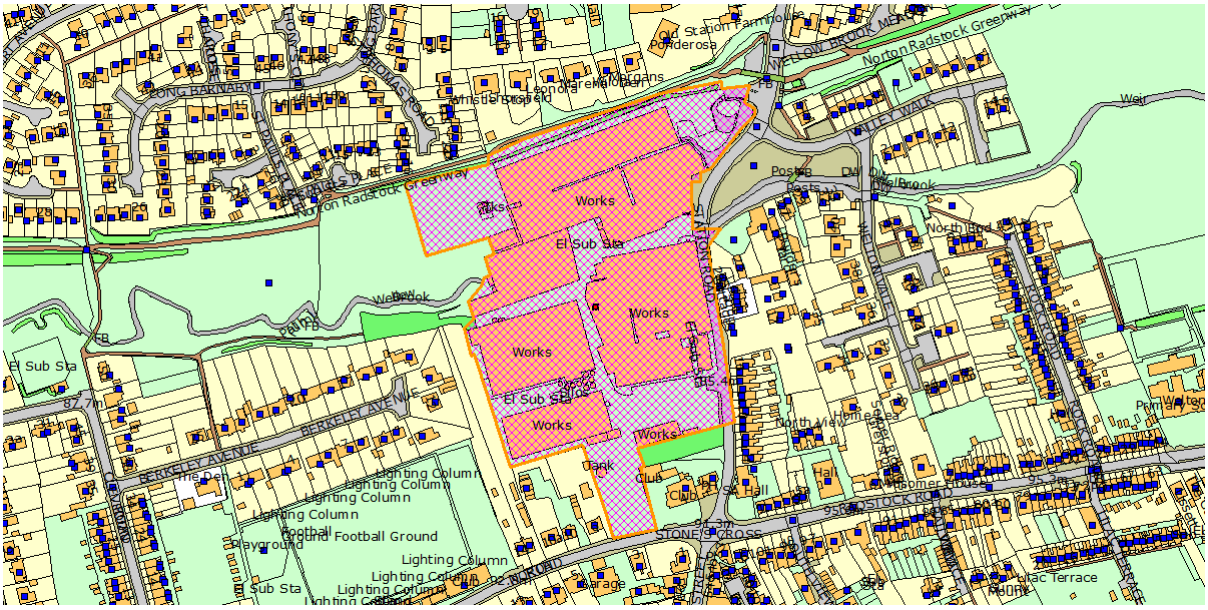
5 **Responding to Climate Change (Informative):**

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

Item No: 03

Application No: 22/03580/FUL

Site Location: Former Welton Bibby And Baron Factory Station Road Welton Midsomer Norton Bath And North East Somerset



Ward: Midsomer Norton North **Parish:** Midsomer Norton **LB Grade:** N/A

Ward Members: Councillor Shaun Hughes Councillor Michael Auton

Application Type: Full Application

Proposal: Application for 'enabling works' in preparation for the Policy SSV4 site redevelopment including demolition, groundworks, flood mitigation and formation of 2m footpath along Station Road frontage.

Constraints: Agricultural Land Classification, Coal - Standing Advice Area, Coal - Referral Area, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, Housing Development Boundary, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy M1 Minerals Safeguarding Area, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, Neighbourhood Plan, Policy PCS6 Unstable Land-Coal Mining Le, SSSI - Impact Risk Zones,

Applicant: MNRE

Expiry Date: 28th July 2023

Case Officer: Chris Griggs-Trevarthen

To view the case click on the link here.

REPORT

Reason for reporting to committee

Councillor Shaun Hughes has requested that the application be reviewed by the planning committee (see full comments in representations section below). In accordance with the scheme of delegation, the application has been referred to the chair/vice chair of Planning

Committee. They have decided that the application should be determined by committee and have made the following comments:

Chair, Cllr. Duncan

"The application, if approved, would involve a departure from the development plan. The application proposes demolition of a non-designated heritage asset. The site and the proposals will have wide public interest. I believe that the weighing of the planning balance - harm vs benefits - should be determined in public by the committee"

Vice-Chair, Cllr. Ian Halsall

"In light of the planning balance between enabling the regeneration of the site and improving pedestrian safety, and the loss of the brewery building which constitutes a non-designated heritage asset and the loss of which is in conflict with criterion 3 of policy SSV4, the harm versus the considered public, economic and indeed heritage benefits of the enabling works as a whole should be debated and determined by the Planning Committee."

Details of location and proposal

The application site comprises the former Welton Bibby and Baron Factory which lies just to the north of Midsomer Norton High Street and is allocated for a mixed use redevelopment under policy SSV1 of the Placemaking Plan. The application boundary also extends to the east and encompasses Station Road which lies adjacent to the allocation.

The site is positioned on the steep north facing valley side, sloping down from the ridge at North Road to the Wellow Brook base. There is a drop of approximately 10m from the valley ridge down to Wellow Brook, and a similar level change on the south facing slope on the other side of the brook against the former railway line. The former factory buildings and ancillary uses occupy the majority of the 5.3ha site and is now largely vacant.

The site lies to the north of Midsomer Norton High Street. The Midsomer Norton Conservation area lies immediately to the east and overlaps a small part of the site including Station Road and the former brewery building on the east side of the allocation.

The application seeks permission for several 'enabling works' including:

1. Demolition of all former factory and ancillary buildings within the area described as phase 1
2. Demolition of the Old Brewery Building (Identified as a non-designated heritage asset)
3. Widening the footway on the east side of Station Road
4. Creating a new footway on the west side of Station Road
5. Constructing a new stone retaining wall to the edge of the site with a pedestrian access point
6. Two new pedestrian crossings; one each at the north and south ends of Station Road
7. New tree planting/landscaping along the eastern boundary of the site

Although shown on some of the submitted drawings, the applicant has confirmed that the pedestrian crossing on North Road, public square adjacent to North Road and the line of tree planting adjacent to Berkeley Avenue are all shown for illustrative purposes and planning permission is not sought for these items and they do not form part of the description of development.

Relevant Planning History:

Outline planning permission was granted on 12 April 2018 following an appeal for:

Demolition of existing buildings and mixed use redevelopment for employment (including light industrial/office B1 and B2 uses, A1, A3 and A4 retail uses including a convenience store and public house and A5/C1 uses including a hotel); institutional uses (C2 and D1) and residential uses (market and affordable C3 uses) including approximately 3,730 sqm of employment development and 200 housing units and associated car parking, landscaping and roads/links

This planning permission would now appear to have lapsed and is no longer extant.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
HIGHWAYS: No objection, subject to condition

PLANNING POLICY: No objection

ARCHAEOLOGY: No objection

DRAINAGE AND FLOOD RISK: No objection

ECOLOGY: No objection, subject to conditions

CONSERVATION: Scope for revision

The revised plans date stamped the 14th December 2022 have restored the rebuilt elevation to
the historic location and stone walling for the boundary is proposed instead of railings. This will
improve the sense of enclosure and the overall quality of the streetscene compared to the original submission. There will however, still be a degree of less than substantial heritage harm
due to the demolition of the brewery buildings and the impact on the character of the conservation area.

MIDSOMER NORTON TOWN COUNCIL: Support

It is a decade since this large and important brownfield site in the middle of Midsomer Norton became empty and derelict. The Town Council is thoroughly in favour of its development for the benefit of the community. The previous application 16/02607/OUT was granted on appeal in 2018. The appeal lasted only a day and a half of its scheduled four days because the Planning Authority and the Applicant reached an agreement - an

agreement which would have been more cheaply and expeditiously reached outside the Appeal setting.

However, the very large site has in fact remained a derelict and negative presence in the town since the 2018 appeal as well as before. Meanwhile easy-to-develop green field sites on the edge of Midsomer Norton have come forward, several of them in Mendip. They are further from the town centre and without this site's easy access to the transport infrastructure, such as it is.The planning process has therefore not served the people of Midsomer Norton well. The Town Council is concerned that it should do better this time.

The non-designated heritage asset of the derelict brewery buildings is an oppressive presence in Station Road, preventing the building of a pavement for pedestrians and making a sense of enclosure which is not necessarily attractive to the residents or passers-by. In an ideal world the Town Council would favour its retention and re-use as a heritage building, but its position is to the detriment of the community. The proposed re-use of some of its materials as a memorial and indication of its presence is in the opinion of the Town Council a reasonable compromise, and the space and air and pedestrian/cyclist amenity along Station Road is to be resoundingly welcomed.

COUNCILLOR SHAUN HUGHES: Call-in request

The old brewery building has historic significance locally and is located within a conservation area, therefore the impact on a heritage asset should be given significant consideration. I appreciate the proposal offers some benefits including a path although the connectivity with the existing pathways at stones cross and the high street is not clear, connectivity with cycleways and cycle lanes should be given consideration.

To be clear, I have not formed an opinion either way but believe there are sufficient issues and areas of local concern to warrant a committee review.

THIRD PARTIES/NEIGHBOURS: Summaries below

1 OBJECTION comments has been received. The main points raised were:

Concern that the application is premature and is an attempt to circumnavigate some of the conditions and requirements of the previous planning permission, in particular the demolition of the brewery building. The demolition of this building is contrary to policy. Pedestrian links to the High Street should be developed through the site rather than on the main road

Concern that the change in climate over the last 5 years means that the flood risk assessment is out of date and not suitable for the current application or the wider redevelopment.

Concerns about the lack of community consultation.

3 SUPPORT comments have been received. The main points raised were:

It was considered that the plans for Station Road would bring benefits for local people by improving safety for pedestrians and vehicles.

It was considered that the investment from this proposal will boost the town's economy.

It is hoped that the plans are not delayed but undertaken as soon as possible.

10 GENERAL comments have been received. The main points raised were:

There is uncertainty as to why the scheme proposes a pedestrian route along the widened A362, over a safer, less polluted route through the development as per the previous permission.

It is noted that there has been no change in circumstances to warrant a rethink about the demolition of the brewery buildings. This should be an opportunity to enhance the setting and status of the older building through its re-use.

There is a request for further drawings to understand the impacts upon residents of Berkeley Avenue and others.

There is a request for further tree planting to be shown along the southern and other boundary with North Road to protect the privacy of residential dwellings and for reasons of visual amenity.

It is noted that the new footpath will improve the visual appearance of the area, but it is requested that a cycle path be included as well.

Support for redevelopment of this eyesore site, but concerns about the level of community consultation undertaken.

More information requested on the type of SUDs being implemented for flood mitigation. Although risk is low, a riparian buffer should be considered along the 200m stretch of stream running under the factory.

Concerns about non-native invasive species and the impacts upon riverbanks.

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)
Bath & North East Somerset Local Plan Partial Update (2023)
West of England Joint Waste Core Strategy (2011)
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:

CP5 Flood Risk Management
CP6 Environmental Quality
CP13 Infrastructure provision
SD1 Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

SV1 Somer Valley Spatial strategy
SV2 Midsomer Norton Town Centre Strategic Policy
CP12 Centres and Retailing
D1 General urban design principles
D2 Local character and distinctiveness
D3 Urban fabric
D4 Streets and spaces
D5 Building design
D6 Amenity
D10 Public realm
HE1 Historic environment
NE2A Landscape setting of settlements
SU1 Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced several new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1 District Wide Spatial Strategy
CP7 Green infrastructure
D8 Lighting
NE1 Development and green infrastructure
NE2 Conserving and enhancing the landscape and landscape character
NE3 Sites, species, and habitats
NE3a Biodiversity Net Gain
NE5 Ecological networks
NE6 Trees and woodland conservation
PCS5 Contamination
ST2A Recreational routes
ST7 Transport requirements for managing development
SSV4 Former Welton manufacturing site

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

NATIONAL POLICY:

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).

CONSERVATION AREAS:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT
The main issues to consider are:

1. Principle of development
2. Heritage
3. Design, character and appearance
4. Archaeology
5. Residential amenity
6. Highways and sustainable travel
7. Drainage and flood risk
8. Ecology
9. Planning conditions and legal agreements
10. Public sector equality duty
11. Other matters
12. Planning balance
13. Conclusion

1. PRINCIPLE OF DEVELOPMENT

The allocation policy SSV4 requires a 'comprehensive' mixed use redevelopment of the site. The word 'comprehensive' in this context is to ensure that there is a co-ordinated

approach to redevelopment in line with a masterplan which ensures optimal outcomes for the site. There is clearly a danger to allowing piecemeal works which could result in sub-optimal outcomes or abortive works. Proposals must therefore be able to demonstrate that they will not prejudice the delivery of a comprehensive redevelopment of the site.

The previously approved outline planning permission did provide a high-level masterplan for the site, but this permission has now lapsed and can no longer be implemented. Whilst an 'indicative masterplan' drawing has been submitted, this application does not seek permission for matters shown on this drawing and approval of the masterplan is not within the scope of this application. However, it does have a role to play as a piece of evidence demonstrating how the currently proposed works would not prejudice the development of the wider allocation.

The current application is for 'enabling works' and would entail some demolition and site preparation alongside highways improvement works to Station Road. The limited extent of these proposed works means that they would be unlikely to prejudice the later delivery of a comprehensive mixed use redevelopment of the site. In fact, the applicant argues that the 'enabling works' will allow redevelopment proposals to be brought forward sooner and make the site more attractive to potential investors.

The illustrative masterplan submit also demonstrates how a future scheme could come forward in line with the currently proposed works. Whilst the merits of the masterplan are not being assessed as part of this application, the illustrative drawing does provide some further comfort that the currently proposed works will not prejudice the delivery of the wider allocation.

Whilst there remains the possibility for some of the proposed works to ultimately be abortive should changes be required when detailed proposal for the wider redevelopment come forward at a later date, given the scale of the works this is not considered to be a significant issue or to prejudice the delivery of the wider allocation.

The principle of the proposed 'enabling works' is therefore acceptable.

2. HERITAGE

The proposals involve the demolition of the three-storey, former Brewery building on the eastern side of the allocation site. This building falls partly within the Midsomer Norton Conservation Area and is identified as a non-designated heritage asset. The allocation policy SSV4 states the development of the site must, inter alia:

"Enhance the Conservation Area and its setting including the retention and reuse of the former brewery building, with a strong presumption in favour of its physical preservation, subject to robust economic viability testing measured against the value of the whole development allocation and taking full account of the heritage value and wider possible uses of the former brewery building."

Furthermore, the Midsomer Norton Conservation Area Appraisal (April 2018) identified the brewery building to be of heritage value and states:

…..Station Road slopes down to Wellow Brook. The topography combined with the enclosure provided by the imposing landmark three storey former Welton Brewery building and the stepped terraces of Nos 4-16 together with their front boundary walls forms a distinct visual character.

….The brewery building is a positive building and a local heritage asset…… as part of the redevelopment it is essential that this important building is restored and new use(s) found

In addition, the previously approved scheme (ref: 16/02607/OUT) included the retention of the brewery building, albeit given the outline nature of that permission it was not clear exactly how it was intended to be re-used. Furthermore, this permission has now lapsed and cannot be implemented.

In light of the above, there is clearly a strong presumption against the demolition of the former brewery building. The demolition will lead to the complete loss of the non-designated heritage asset and will result in less than substantial harm to the Midsomer Norton Conservation Area. Furthermore, the application is not supported by an economic viability testing for different possible re-uses of the former brewery building nor is it possible to undertake such viability testing without an extant scheme to measure it against the value of the whole development allocation.

Given the clear policy presumption and the 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, considerable weight is given to this matter.

Notwithstanding this, there are several matters which mitigate the level of harm which should be taken into consideration. Chief amongst these are the proposals to rebuild the 'brewery elevation' along the eastern boundary at the top of the new embankment along Station Road. The rebuilding of these facades using reclaimed stone from the existing building would help to capture some of the sense of the dramatic enclosure provided by the existing three storey building whilst retaining some sense of the architecture and history of the former building.

The height and positioning of the rebuilt elevation has been amended throughout the application process and this has improved the sense of enclosure and the overall quality of the street scene compared to the original submission.

In addition, the conservation officer agrees that the removal of the other modern visually intrusive industrial buildings on the site would enhance the setting and significance of the conservation area. This aligns with the views of the planning inspector who, when considering the previous appeal proposals, came to a similar conclusion regarding the removal of the modern industrial buildings.

Although somewhat counter intuitive, demolition of the brewery building could also deliver heritage benefits, via the greater connectivity achieved between the High Street and the Station Road area through the creation of the new footpath. Seeking improved pedestrian links from Station Road to the town centre was identified as an enhancement opportunity in the Midsomer Norton and Welton Character Appraisal. Additionally, views from the west side of the Station Road would also give a fresh perspective on the stepped terrace on the

east side of the road (No's 4 - 16) and the contribution that it makes to the character of the conservation area.

These matters are considered to reduce the overall level of harm but, given the policy context, it is still considered that there is net harm to the conservation area which falls within the lower half of the 'less than substantial' range.

Policy HE1 of the Placemaking Plan reflects Paragraph 202 of the NPPF which requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

This matter is considered further in the planning balance section below.

3. DESIGN, CHARACTER AND APPEARANCE

The existing modern industrial buildings on the site are utilitarian in nature and dilapidated in appearance. Their demolition is considered to have a positive impact upon the character and appearance of the area.

As noted in the heritage section above, the brewery building makes a positive contribution towards the character of this area. Its loss will therefore have a detrimental impact upon the character of the area.

The lack of footpath on its west side, narrow footway on its east side, the imposing nature of the tall retaining walls and three storey brewery building give Station Road something of an overbearing character when traversed as a pedestrian. In addition, the A362 is a busy main road and the restricted footway widths mean that the experience of walking this route to and from the High Street can be unpleasant and stressful.

The proposals involve the demolition of the frontage buildings to enable the street to be widened and a new footpath on the west side to be installed alongside two new crossings. A low wall built from reclaimed stone will border the new pavement behind which will be a grassed embankment sloping up to the ground level of the main allocation site which will be marked by a 1.15m high stone wall. Behind this, the proposals include the planting of several new trees.

In line with where the existing brewery building is situated, but moved pushed back to accommodate the widened street, the historic façade of the brewery will be reinstated along the boundary of the allocation site at the top of the new grass embankment.

The widened street and sloped grass embankment will open new views and lessen the overbearing nature of the current retaining walls and buildings to its west side. Alongside the proposed tree planting and landscaping, these changes will improve the visual amenity and experience of this part of Station Road. These changes are therefore considered to have a positive impact upon the character and appearance of the area.

4. ARCHAEOLOGY

There is limited evidence of the site holding much in the way of archaeological interest. However, an archaeological Written Scheme of Investigation has been submitted and reviewed by the Council's appointed archaeologist. The scheme is appropriate in its scope and so there are no archaeological objections to this proposal.

5. RESIDENTIAL AMENITY

There are several residential properties which lie directly opposite the application site on the west side of Station Road. The proposals will not adversely affect these properties in terms of their privacy, outlook or light. The demolition of some of the existing buildings on the site may improve the outlook and light received by some of these properties.

Comments have been received from properties on Berkeley Avenue and North Road requesting landscaping be extended to the parts of the site adjacent to these properties. Whilst some of the submitted drawings do show some landscaping along the western boundary of the site and a few trees located in a public square to the south (adjacent to north Road) these features are not part of the current planning application for 'enabling works' and will not be delivered by the proposals. Given some of the uncertainty created by the inclusion of these features on some of the drawings, a condition is proposed to clarify the extent of works authorised by any planning permission granted.

The proposed enabling works would not adversely affect any of the properties on North Road or Berkeley Avenue. There is therefore no requirement for landscaping mitigation in these areas. However, this does not preclude the possibility of landscaping being provided in these areas as part of any future comprehensive redevelopment proposal.

A construction and demolition plan has been submitted with the application. Whilst the principles contained within these documents are acceptable, the application has been revised since its original submission and the documents will need to be updated to relate to the revised scheme. This can be secured by condition.

Subject to appropriate conditions it is concluded that 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 and part 12 of the NPPF.

6. HIGHWAYS AND SUSTAINABLE TRAVEL

As already noted, the narrow footway on the east side of Station Road is currently the only option for pedestrians traveling south to access the High Street. It limited width means that it would be difficult for pedestrians traveling in opposite directions to pass each other, particularly in in a wheelchair or pushing a buggy, without stepping off the pavement into the carriageway. Given the heavily trafficked nature of the A362, this is not conducive to highways safety and will likely deter pedestrians from utilising this route.

The provision of 2m footways along the west side of Station Road, the widening to 1.8m of the eastern footway and the provision of two additional controlled crossings are acceptable in principle. These crossing facilities will provide improved links to local schools and to the northern end of the High Street.

The Highways Officer highlights the significant benefits to the highway and pedestrian environment offered by the current proposals which go beyond those envisaged in the previously approved outline planning permission. These include:

- Improvements to the main site access with Station Road in the form of improved visibility splays due to the demolition of frontage buildings;

- Improve pedestrian accessibility along Station Road in the form of the new and improved pedestrian footways and crossings between the former railway viaduct and Welton Green to the north and Stone's Cross junction to the south.

They consider that the provision of this link will provide substantial betterment to the existing pedestrian provision along Station Road, improving connectivity to both future inhabitants of any redevelopment proposals on the Former Welton Manufacturing site as well as members of the wider public. The Highways Officer also notes that they consider the enabling works to be the most convenient and efficient way to provide highway and pedestrian improvements along Station Road in the foreseeable future given current widths and land ownerships.

Some comments received have queried why the value of an improved pedestrian route along Station Road, over a safer, less polluted route through the centre of the allocation as shown on the the previous permission. Firstly, the provision of a improved pedestrian route along Station Road does not prevent the possibility of a new pedestrian route through the centre of the allocation coming forward at a later date. Secondly, an improved pedestrian route along Station Road adds to the connectivity and choice for active travel users and alleivates highways safety issues associated with the existing poor quality environment. Finally, improvements to Station Road will be able to be delivered as part of the 'enabling works' allowing them to come forward at an earlier stage rather than having to wait for the redevelopment of the whole allocation.

Policies ST1 and ST7 of the LPPU seek to secure development which is located where there are "genuine" and "realistic" opportunities to travel by sustainable modes of transport. As described above, the proposals will increase the potential for using active travel or public transport to make journeys along Station Road. The development is therefore considered in accordance with the key aims of Policy ST1 and ST7 of the LPPU and provide a significant public benefit which weighs in favour of the development.

7. DRAINAGE AND FLOODING

The Drainage and Flood Risk Team have no objection in principle to the proposed demolition and enabling works. However, they highlight the need to agree proposed discharge rates for any wider redevelopment of the site. This is not necessary at this stage as the proposals for the wider redevelopment have not yet been put forward, but the

applicant is reminded that the site should be aiming to achieve a rate as close as practicable to the greenfield discharge rate.

Drainage details associated with the proposed highways improvements to Station Road will be agreed and controlled through the s278 process and therefore do not need to be controlled via a planning condition.

8. ECOLOGY

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

The application originally proposed the demolition of all existing buildings on the site, but there was insufficient survey work undertaken to demonstrate that no protected species would be affected by the proposals. As a result, the proposal has been revised so that the demolition boundary is confined to the buildings contained within phase 1, i.e. the frontage buildings along Station Road.

Further survey work including an emergence survey from 4 different vantage points around the site of proposed demolition works, and use of a static detector for one week within a building (Building 9), have now been completed (Bat Survey Report, Engain, 15th June 2023). The survey report confirms that no bats were observed entering or leaving any of the buildings and no bats were detected from the static recorder. The findings of the report are accepted by the Council's Ecologist.

However, there would remain a low risk of use of the site by bats or birds (or new use) therefore standard precautionary approaches to working should be applied.

Subject to conditions to secure adherence to an agreed Construction Environmental Management Plan (insofar as it applies to the area proposed for demolition during this phase), and subject to adherence to routine precautionary working methods, including pre-commencement checks for and avoidance of harm to any nesting birds (if present), there is no ecological objection to the proposal.

In addition, Policy NE3a of the Local Plan Partial Update relates to biodiversity net gain. In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secure.

The proposed works largely affect areas of existing hardstanding and buildings and, as such, there is a limited baseline ecological value. The proposal includes a new grassed embankment sloping up to the ground level of the site and programme of new tree planting along the Station Road frontage. These measures are considered to constitute an appropriate level of biodiversity net gain consistent with policy NE3a.

9. PLANNING CONDITIONS AND LEGAL AGREEMENT

In order to ensure that the proposed highways improvements are delivered, it will be necessary for the developer to sign up to a s278 highways agreement with the Local Highways Authority. Whilst it is not physically possible for the highways improvements to be delivered before the brewery building is demolished, a planning condition is proposed which will require the developer to enter into a highways agreement prior to demolition. The highways agreement will include time limits for commencing and completing the improvement works (and can include a detailed programme, if necessary) following the demolition of the brewery building. This should cover the following highways improvement works:

1. Provision of a 2m footpath along west side of Station Road
2. Widening of footpath to 1.8m along east side of Station Road
2. Provision of two pedestrian crossing points on Station Road

To ensure that the historic brewery façade is rebuilt following the demolition, a condition is proposed which will require details of a valid contract to rebuild the façade be submitted to and approved by the Local Planning Authority prior to the demolition.

Conditions will also require the following to ensure that the rebuild façade is carried out with a sufficient level of accuracy and quality:

1. Detailed recording of elevation to allow reconstruction.
2. Schedule of materials to be retained.
3. Methodology for dismantling buildings that ensures materials can be salvaged for reuse.
4. Large scale survey, proposed elevations and architectural details.
5. Sample panel of rebuilt wall/elevation including treatment around openings to ensure quality
of execution.

Other conditions will be required to secure the implementation of the landscaping scheme, ecological mitigation and construction/demolition management. A full schedule of proposed conditions is contained at the end of this report.

10. PUBLIC SECTOR EQUALITY DUTY

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty. The proposals do not raise any particularly significant issues in respect of equalities duty, but a couple of points are noted.

As noted in the above sections, elderly, disabled and otherwise vulnerable residents in the local area are likely to be the most disadvantaged by the poor-quality pedestrian environment along Station Road. The proposed highways improvements will improve accessibility along this route and to the High Street for these groups and therefore have a positive impact.

11. OTHER MATTERS

Some concerns have been raised about the level of community consultation undertaken. The submitted Design and Access Statement sets out details some of the public consultation events undertaken by the applicant. These refer to consultation events including telephone briefings, a public exhibition, follow up meetings with locally elected representatives and local stakeholders. There is also reference to a Footpath Questionnaire Survey which took place in 2022. In addition, the application has been publicised with a site notice, neighbour notifications and a local press advert in accordance with the Council's Statement of Community Involvement (My Neighbourhood Planning Protocol 2014).

Several comments also noted that the investment from this proposal will boost the town's economy. Undoubtly, the demolition and construction work will provide an economic benefit arising from the jobs and associated economic activity associated with the works. However, this has not been quantified and will only last for the duration of the works and so is considered to be a relatively minor benefit. There may also be lasting benefit to the High Street through the improved connectivity along Station Road in terms of increased footfall. Again, this is not easy to quantify and therefore the economic benefits arising from these works are given relatively limited weight.

Reference was also made in the public comments to concerns about the delay in the development of this allocated site and the hope that the plans are not delayed further. The site has been allocated in the Council's development plans since at least 2007 and to date there has been no substantive development activity on the site. The relatively recent outline planning permission has now also lapsed and has not been implemented. Whilst the grant of planning permission offers no guarentee that those works will actually take place, the application proposes 'enabling works' which are of a relatively small scale and designed to help prepare the site, making it easier to attract investors for redevelopment. The success of this approach remains to be seen, but given the lack of progress on the site over the past decade, there is merit it trying a different approach.

Other concerns have been raised about non-native invasive species and the impacts upon riverbanks. However, the current proposals will not impact upon these matters.

12. PLANNING BALANCE:

Less than substantial harm vs public benefits

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Paragraph 203 goes on to state that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and 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.

As discussed in the heritage section above, the current proposal would result in less than substantial harm to the Midsomer Norton Conservation Area. After factoring in the various

mitigations and enhancements arising from the rebuilding of the brewery façade and the demolition of the modern industrial buildings, the net level of harm is identified as being at the lower end of the range of harm. However, in accordance with paragraph 199 of the NPPF and the duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act it is considered that great weight should be afforded to this harm.

Against this harm, there are several public benefits which must be considered.

Primary amongst these are the proposal for highways improvements to Station Road. As discussed in the highways section above, the existing situation on Station Road is very hostile for pedestrians. The proposed improvements include:

1. Provision of a 2m footpath along west side of Station Road
2. Widening of footpath to 1.8m along east side of Station Road
2. Provision of two pedestrian crossing points on Station Road

Not only will these works improve the experience for users of Station Road, but they will also improve the connectivity for both future inhabitants of any redevelopment on the allocated site as well as for members of the wider public. Additionally, it is important to note that the Highways Officer considers these works to be the most convenient and efficient way to provide highways and pedestrian improvements along Station Road in the foreseeable future given the current widths and land ownership.

The proposals therefore represent a positive opportunity to secure highways improvements which will directly address the aims of policies ST1 and ST7 of the LPPU by supporting "genuine" and "realistic" opportunities to travel by sustainable modes of transport, increasing the potential of residents using active travel or public transport to make journeys along Station Road.

There are further public benefits arising from the economic benefits of the proposals and the merits of taking an 'enabling work' approach which will improve the chances of the allocation site coming forward for development. Whilst both relatively minor benefits, they add cumulatively to the substantial public benefits of the proposals.

It is considered that, on balance, the public benefits arising from the proposal outweigh the identified harm to the conservation area and the loss of the non-designated heritage asset. The proposal is therefore considered to be consistent with policy HE1.

Overall 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".

Whilst consistent with policy HE1 and other relevant planning policies, the proposal does conflict, in part, with criterion 3 of allocation policy SSV4 as it does not seek the retention and reuse of the former brewery building. Furthermore, the application is not supported by viability testing or a review of wider possible uses of the former brewery building.

However, the reason for this is that the application is making a fundamentally different argument to that presupposed by the policy, given that the improvements to Station Road cannot physically be delivered without the demolition of the brewery building. A review of an economic viability case or possible reuses therefore does not make sense in this case as retention or reuse would be incompatible with the proposed improvement works.

It is therefore considered that, whilst there is some conflict with the development plan, it is relatively limited. However, the application has been advertised as a departure from the development plan in this instance.

Balanced against this conflict with the development plan, there are several material considerations including:

1. The delivery of pedestrian and highway improvements to Station Road which will support the aims of policy ST1 and ST7 by supporting "genuine" and "realistic" opportunities to travel by sustainable modes of transport and making this a safer route for pedestrians with improved accessibility.

2. These will also improve the connectivity to the High Street (identified as an enhancement opportunity in the Midsomer Norton and Welton Character Appraisal) and will help to maintain and enhance the town centre in accordance with the aims of policy CP12.

3. The works will also improve the pedestrian experience along Station Road, improving its landscape setting and enhancing its visual amenity.

4. Whilst harm arises from the loss of the brewery, other parts of the proposal will provide an enhancement to the conservation area and its setting as a result of the demolition of the modern industrial buildings and the opening of new views.

5. The 'enabling works' approach will increase the attractiveness of the wider allocation to investors and increase the chances of it coming forward for development.

Taken together, these are substantial benefits, and it is considered that in this instance there are sufficient material considerations in favour of the application which outweigh the limited conflict with the development plan, and which justify the grant of planning permission.

13. CONCLUSION

The proposals for 'enabling works' represent a departure from part of the allocation policy as they do not seek the retention of the former brewery building. However, the works would not prejudice the development of the wider allocation and would allow for significant improvements to the pedestrian environment along Station Road. The level of harm arising from the loss of the non-designated heritage asset is at the lower end of the 'less than substantial' range and is outweighed by the public benefits of the scheme.

The proposals represent the most convenient and efficient improvements to the highways and pedestrian environments along Station Road given the current widths and land

ownership. They will improve connectivity to Midsomer Norton High Street and create an attractive new character along Station Road. Furthermore, the improvement works have the potential to be delivered much sooner than the redevelopment of the allocated site and may improve the attractiveness of the wider site to investors, improving the chances of the allocation coming forward for development.

The proposed application is therefore recommended for approval, subject to the conditions listed below.

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 **Planning permission (Compliance)**

Notwithstanding the approved drawings, this planning permission relates to the following items only:

1. Demolition of all buildings within the area described as phase 1 on the Demolition Plan Key Plan (4021_005_eap_500_REV C)
2. Widening the footway on the east side of Station Road
3. Creating a footway on the west side of Station Road
4. Constructing a new stone retaining wall to the edge of the site with a pedestrian access point
5. Two new pedestrian crossings; one at the north and south ends of Station Road
6. New tree planting/landscaping along the eastern boundary of the site

No development other than that listed above shall take place and planning permission is not granted for the following items:

1. The pedestrian crossing on North Road
2. The public square adjacent to North Road
3. The line of tree planting adjacent to Berkeley Avenue
4. Demolition of any buildings outside of phase 1 Demolition Plan Key Plan (4021_005_eap_500_REV C)

Reason: In the interests of clarity and to ensure that only that which has been applied for is granted planning permission.

3 **Highways agreement (Pre-commencement)**

No development shall commence until a highways agreement has been entered into with the Local Highways Authority to deliver the following highways improvements;

1. Provision of new 2m wide footpath along west side of Station Road frontage
2. Widen footpath along east side of Station Road to 1.8m in width
3. Provision of two pedestrian crossing points on Station Road

The agreement shall include timings and programme for the commencement and completion of the highway improvements.

Reason: To ensure that the public benefits associated with the highways improvements are delivered in a timely manner and in accordance with relevant highways standards in accordance with policy ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update.

4 **Construction/Demolition Management Plan (Pre-commencement)**
No development shall commence until a Construction/Demolition 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;

All construction/demolition works shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. 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.

5 **Brewery Building Façade (Pre-commencement)**
No development shall commence until a scheme for the detailed recording of the former brewery building and rebuilding of its façade has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:

1. Detailed recording of the eastern elevation to allow for reconstruction
2. A schedule of all materials to be recovered and retained
3. A methodology for dismantling the buildings to ensure that materials can be salvaged for reuse
4. A programme of implementation for the re-construction of the brewery facade

The façade shall thereafter be constructed in accordance with the approved details and programme of implementation.

Reason: To ensure the quality and authenticity of the brewery façade rebuild and to ensure that it is rebuilt in accordance with a programme of implementation following its demolition in the interests of policy HE1 of the Placemaking Plan.

6 **Brewery façade details/sample panel - (Bespoke Trigger)**
No construction of the former brewery facade shall commence until:

1. A sample panel of the rebuilt wall/elevation walling materials to be used, including the treatment around the openings, has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed; and

2. Large scale details of the proposed elevations and architectural details of the rebuilt wall/elevation of the former brewery façade have been submitted and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details.

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

7 **Contract for brewery façade rebuild (Pre-commencement)**
Works for the demolition of part or all of the building(s) shall not commence until a binding contract for the rebuilding of former brewery building facade, in accordance with the approved drawings, has been let, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include a programme for carrying out such treatment, which shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because if demolition occurs before these details are secured the redevelopment of the site may not occur.

8 **Landscape Design Proposals (Bespoke Trigger)**
No development, except for demolition, shall commence until full details of the soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities
4. Landscaping programme of implementation

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and

North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

9 **Implementation of Landscaping Scheme (Bespoke Trigger)**
All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the landscaping programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

10 **Archaeology (Compliance)**
The development shall be undertaken in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation (Cotswold Archaeology, September 2022).

Reason: The site is within an area of 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.

11 **Construction Environmental Management Plan (Compliance)**
The development hereby approved shall be carried out only in accordance with the approved Construction and Ecological Management Plan (CEMP) by Engain dated October 2022, and also adherence to the following routine precautionary working measures for the protection of bats and birds:

1. A careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building/s and areas of work, and any crevices and concealed spaces, as works progress and immediately prior to any works affecting each area

2. Active nests shall be protected undisturbed until the young have fledged

3. Works to the roof and any areas with concealed spaces or crevices where risk of use by animals may remain shall be carried out using "soft strip" methods, by hand, lifting materials (not sliding) to remove them, and checking beneath each one

4. The site manager shall be briefed on appropriate ecologically sensitive methods and a suitably experienced professional ecologist (licenced bat worker) shall be available on call;

if bats or other protected wildlife are encountered works shall cease and the on-call ecologist shall be contacted for advice before proceeding.

Reason: To avoid harm to ecology, including protected species, during the construction process in accordance with policy NE3 of the Local Plan Partial Update.

12 **Plans List (Compliance)**
The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST:

1 This decision relates to the following plans:

4021_005_EAP_210_REV C	PROPOSED SITE PLAN KEY PLAN
4021_005_EAP_211_REV C	PROPOSED SITE PLAN PART 1
4021_005_EAP_212_REV C	PROPOSED SITE PLAN PART 2
4021_005_EAP_213_REV C	PROPOSED SITE PLAN PART 3
4021_005_EAP_214_REV C	PROPOSED SITE PLAN PART 4
4021_005_EAP_500_REV C	DEMOLITION PLAN KEY PLAN 1
4021_005_EAP_501_REV C	DEMOLITION PLAN PART 1
4021_005_EAP_502_REV C	DEMOLITION PLAN PART 2
4021_005_EAP_503_REV C	DEMOLITION PLAN PART 3
4021_005_EAP_504_REV C	DEMOLITION PLAN PART 4
4021_005_EAP_301_REV B	PROPOSED ELEVATION STATION ROAD LOCATION PLAN
4021_005_EAP_302_REV B	EXISTING AND PROPOSED ELEVATION KEY PLAN
4021_005_EAP_303_REV B	EXISTING AND PROPOSED ELEVATION PART 1
4021_005_EAP_304_REV B	EXISTING AND PROPOSED ELEVATION PART 2
4021_005_EAP_400_REV B	EXISTING SECTIONS LOCATION PLAN
4021_005_EAP_401_REV B	PROPOSED SECTIONS LOCATION PLAN
4021_005_EAP_402_REV B	EXISTING AND PROPOSED SECTIONS
4021_005_EAP_700_REV B	PARAMETERS LOCATION PLAN
4021_005_EAP_701_REV B	PARAMETERS ELEVATION PLAN
1057.16G	STATION ROAD LANDSCAPE PROPOSALS

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

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

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

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

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

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

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

3 **Community Infrastructure Levy - General Note for all Development**

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

4 **Responding to Climate Change (Informative):**

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

5 **Permit/Consent Decision Making Statement**

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

Item No: 04

Application No: 22/01861/FUL

Site Location: The Old Farmhouse Withyditch Dunkerton Bath Bath And North East Somerset

Ward: Bathavon South **Parish:** Dunkerton & Tunley Parish Council

LB Grade: II

Ward Members: Councillor Matt McCabe Councillor Fiona Gourley

Application Type: Full Application

Proposal: Replacement of an existing single-storey rear extension, adjustments to an existing two-storey rear extension and removal of a single-storey lean-to structure.

Constraints: White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Listed Building, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs Morrison

Expiry Date: 11th July 2022

Case Officer: Danielle Milsom

To view the case click on the link here.

REPORT

This application has been referred to the Chair and Vice-Chair of the Planning Committee, following a support letter recieved from Dunkerton and Tunley Parish Council which is contrary to officer recommendation to refuse. The comments recieved from the Chair and Vice-Chair are as follows:

Chair: Committee

I note the strong letter of support for this application from Dunkerton and Tunley Parish Council which addresses material planning issues. The proposal may ameliorate existing

harm to the listed building. The application concerns a listed building in green belt and ecological matters. These issues are of public interest and the application should be debated and determined at committee.

Vice Chair:
It is acknowledged that two individual applications for full householder planning permission and Listed Building Consent are to be determined.

It is considered that in light of the Parish Council's supporting justification the Planning Committee should debate the less than substantial harm to the listed building and give consideration in public to the balance between addressing the existing harm to that being proposed with what is undoubtably contemporary addition to the building. This is whilst also being mindful that a bat and nesting bird survey has not been submitted with the applications which will also need to be considered.

Site description
The application refers to a detached, listed farmhouse known as 'The Old Farmhouse' which is sited within the village of Dunkerton. The site is Grade II listed and falls within the Green Belt. The Farmhouse is thought to date from the mid-17th century with a mid-18th century extension.

Planning permission is sought for the replacement of an existing single-storey rear extension, adjustments to an existing two-storey rear extension and removal of a single-storey lean-to structure.

Relevant Planning History:

00/02386/LBA - CONSENT - Installation of solar water heating panels

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Consultation Responses :

Conservation: Objection

Dunkerton and Tunley Parish Council: Support
- The development would not detract from the character and quality of this location
- Enhance and respond to the local natural features including landscape, green infrastructure, materials, colours and textures
- Contribute positively to local fabric. Details of materials for new building should be clarified
- With the constraints of the site, the design responds positively to the host building
- Natural light and privacy would be achieved
- Would not detract from the openness or visual amenities of the Green Belt
- As the proposals are for replacing structure, the increase in volume is negligible.
- Proposed design is an improvement
- It would enhance the landscape setting and character
- Proposals relate to the rear. As it is the front elevation which is of listing merit, it would not detract from the listed property
- No impact on vehicular arrangements

The above provides a summary only. Full comments are available to view on the public website.

Representations Received :

None received

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:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- Bath & North East Somerset Local Plan Partial Update (2023)
- West of England Joint Waste Core Strategy (2011)
- 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
CP8: Green Belt
SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D5: Building design
D6: Amenity
GB1: Visual amenities of the Green Belt

HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and

Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
GB3: Extensions and alterations to buildings in the Green Belt
NE3: Sites, species, and habitats
NE5: Ecological networks
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

The Existing Dwellings in the Green Belt Supplementary Planning Document (October 2008)

NATIONAL POLICY:

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).

LISTED BUILDINGS:

In addition, 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.'

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 applications for planning and listed building consent relate to a detached, listed farmhouse known as 'The Old Farmhouse' which is sited within the village of Dunkerton. The site is Grade II listed and falls within the Green Belt. The Farmhouse is thought to date from the mid-17th century with a mid-18th century extension. The building to the front east elevation has retained its significance with its decorative fine shell hood above the main entrance and stone mullioned windows. To the rear, a later 1960s extension and a conservatory was added in 1985 that have detracted from the significance of the building.

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstance. There are exceptions to this which are listed under paragraph 149 of the NPPF. These exceptions include extensions of alterations of a building provided that it does not result in a disproportionate addition over and above the size of the original building. The extensions to dwellings SPD sets out that an addition of around a third would not be considered disproportionate.

Previous extensions were constructed to the rear of the dwelling, dating from the 60s and 80s. Officer calculations have estimated the volume of the original dwelling to be around 665m3, with previous additions increasing this to around 852m3, a 28% increase. The proposed works would replace existing structures so the net increase in volume would be approximately 19m3, taking the percentage increase to 30% from the original. The increase is therefore marginal and would still fall below the 1/3 allowance. The proposed development is therefore considered to not constitute inappropriate development in the Green Belt.

The development is therefore considered to be compliant with policy CP8 of the Core Strategy, policies GB1 and GB3 of the Local Plan Partial Update and part 13 of the NPPF.

HERITAGE AND DESIGN:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

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

During the process of this application, revised plans have been submitted. The proposal is to remove the conservatory from the rear west side of the building and the upper first floor of the flat roofed 1960s extension. The remaining two-storey extension would be reroofed with a pitched roof which would increase its height.

The existing two-storey extension is considered to be harmful to the listed building. It is of little architectural merit and sits awkwardly against the traditional stone-built farmhouse. The conservatory also has a damaging effect upon the listed buildings appearance. The view from the south is particularly damaged by the two-storey extension and conservatory.

The removal of the first floor bedroom would increase visibility to the historic fabric of the listed building and this is noted as a positive. However, the alterations to the two-storey extension and replacement of its roof is still considered to be harmful, but it would however be less harmful than what is currently in situ.

The proposal seeks to re-order the first floor bathroom and steps to permit access to the master bedroom, improve the rear access and carry out remedial repair works and thermal insulation improvements. The lean-to single storey store off the kitchen would be demolished so that the proposed new kitchen extension would be set on a diagonal axis.

The existing conservatory is detrimental, however its transient appearance retains the form of the stone gable end of the 18th century building which is an important feature of the building. Whilst revisions have been made, concern still remains in relation to the impact of the design and scale of the host building. Whilst the submission has sought to demonstrate that the extension would not be visible from the front gate, this is considered not to be sufficient to demonstrate no harm. The extension would be fully visible from the curtilage of the listed building. It is not considered that the extension being obscured from view from the highway by landscaping is sufficient justification. The extension has been set behind the gable wall of the building, however, its overall bulk, height and materials have not changed. It is therefore considered that the proposed extension would result in less than substantial harm to the listed building.

Section 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total
loss or less than substantial harm to its significance. Similarly Policy HE1 of BaNES Placemaking Plan states that great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified.

In this case, less than substantial harm has been identified. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Reasons for the proposal put forward by the application includes the need/desire for an alternative accommodation layout. It has also been stated that due to the restraints of the site and differing ground levels that all options have been considered and the accommodation cannot be altered to reduce the size of the extension or relocate the kitchen. It has been argued that the proposed development would secure the listed buildings use as a designated heritage asset through securing its optimum viable use. It is noted and considered that the property as existing comprises of awkward connections between rooms, due to the addition of various extensions dating from the 1960s. However, the property is capable of being used as a private dwellings and the restoration is not reliant upon the proposed extension. These reasons do not constitute a public benefit which can be considered to be in accordance with the NPPF. There are therefore no public benefits to outweigh the less than substantial harm. The applications for listed building consent and planning permission are therefore recommended for refusal.

The Council has a statutory requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for any works to have special regard to the desirability of preserving the

building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above, it is considered that the development would result in less than substantial harm to the setting of the listed building. This harm has not been outweighed by any public benefit. The proposal is as such contrary to policy HE1, and D2 of the Placemaking Plan and part 16 of the NPPF

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking. 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 and part 12 of the NPPF.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

This application would involve tying into a pitched roof of a historic building which has clear raised and hanging tiles. It is therefore considered that in this instance a bat and nesting bird scoping survey would be required to confirm potential of use by protected species. Protected species surveys are required where there is a 'reasonable likelihood' of presence and impacts. In this case, due to the age of the property and features which could support protected species, the information is required pre-determination. This application has not been supported by a survey and therefore does not demonstrate compliance with the Conservation of Habitat and Species Regulations (2017) and the Wildlife and Countryside Act (1981).

OTHER MATTERS:

A letter has been submitted by the applicants which includes justification for why the applications should be approved. This letter has been fully reviewed and considered by officers. Reference has been made in the letter to the listing description of the property and the subsequent impact of the proposed development. The listing references the mullion windows, moulded front door frame and shell hood over the front door which are present at the front elevation. Whilst these are points of interest of the property, those details listed within the properties listing description does not represent the limit of the properties significance. The building is read as a whole and there are additional features of significance, including the gable end wall. From this view, the proposed extension is visible. The listed building and its setting, and the subsequent impact of the proposed development are considered in the above report. It is considered that the above report fully sets out the reasoning for the officers recommendation, which has been informed by consultation with a Conservation Officer. This letter has not altered the officer recommendation.

CONCLUSION:

In summary, the proposed development would result in less than substantial harm to the listed building. This harm is not outweighed by public benefit and is therefore contrary to policy HE1 of the Placemaking Plan and part 16 of the NPPF.

The application has not been supported by a scoping survey for bats and nesting birds and therefore does not demonstrate compliance with the Conservation if Habitat and Species Regulations (2017) and the Wildlife and Countryside Act (1981). The application is as such considered contrary to policy NE3 of the Local Plan Partial Update (2017).

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development by reason of its scale, siting and design would result in less than substantial harm to the listed building. This harm is not outweighed by public benefits and is therefore contrary to policy HE1 of the Placemaking Plan and part 16 of the NPPF.

2 The application has not been supported by a scoping survey for bats and nesting birds and therefore does not demonstrate compliance with the Conservation of Habitat and Species Regulations (2017) and the Wildlife and Countryside Act (1981). The application is as such considered contrary to policy NE3 of the Local Plan Partial Update (2017).

PLANS LIST:

1 This decision relates to the following plans:
Revised Drawing - 2 Jun 2023 - 12C - Proposed Block Plan
Revised Drawing - 2 Jun 2023 - 21E - Proposed Lower Floor Plan
Revised Drawing - 2 Jun 2023 - 22B - Proposed Upper Floor Plan
Revised Drawing - 2 Jun 2023 - 23D - Proposed Elevations
Revised Drawing - 2 Jun 2023 - 24 A - Proposed East Elevation

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

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

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

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

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

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

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

3 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.

4 **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. 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

Item No: 05

Application No: 22/01862/LBA

Site Location: The Old Farmhouse Withyditch Dunkerton Bath Bath And North East Somerset

Ward: Bathavon South **Parish:** Dunkerton & Tunley Parish Council

LB Grade: II

Ward Members: Councillor Matt McCabe Councillor Fiona Gourley

Application Type: Listed Building Consent (Alts/exts)

Proposal: Internal and external alterations for the replacement of an existing single-storey rear extension, adjustments to an existing two-storey rear extension and removal of a single-storey lean-to structure.

Constraints: White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Listed Building, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs Morrison

Expiry Date: 11th July 2022

Case Officer: Danielle Milsom

To view the case click on the link here.

REPORT

This application has been referred to the Chair and Vice-Chair of the Planning Committee, following a support letter recieved from Dunkerton and Tunley Parish Council which is contrary to officer recommendation to refuse. The comments recieved from the Chair and Vice-Chair are as follows:

Chair: Committee

I note the strong letter of support for this application from Dunkerton and Tunley Parish Council which addresses material planning issues. The proposal may ameliorate existing

harm to the listed building. The application concerns a listed building in green belt and ecological matters. These issues are of public interest and the application should be debated and determined at committee.

Vice-Chair:
It is acknowledged that two individual applications for full householder planning permission and Listed Building Consent are to be determined.

It is considered that in light of the Parish Council's supporting justification the Planning Committee should debate the less than substantial harm to the listed building and give consideration in public to the balance between addressing the existing harm to that being proposed with what is undoubtably contemporary addition to the building. This is whilst also being mindful that a bat and nesting bird survey has not been submitted with the applications which will also need to be considered.

Site Description
The application refers to a detached, listed farmhouse known as 'The Old Farmhouse' which is sited within the village of Dunkerton. The site is Grade II listed and falls within the Green Belt. The Farmhouse is thought to date from the mid-17th century with a mid-18th century extension.

The application seeks listed building consent for internal and external alterations for the replacement of an existing single-storey rear extension, adjustments to an existing two-storey rear extension and removal of a single-storey lean-to structure.

Relevant Planning History:

00/02386/LBA - CONSENT - Installation of solar water heating panels

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Consultation Responses :

Conservation: Objection

Dunkerton and Tunley Parish Council: Support
- The development would not detract from the character and quality of this location
- Enhance and respond to the local natural features including landscape, green infrastructure, materials, colours and textures
- Contribute positively to local fabric. Details of materials for new building should be clarified
- With the constraints of the site, the design responds positively to the host building
- Natural light and privacy would be achieved
- Would not detract from the openness or visual amenities of the Green Belt
- As the proposals are for replacing structure, the increase in volume is negligible.
- Proposed design is an improvement
- It would enhance the landscape setting and character
- Proposals relate to the rear. As it is the front elevation which is of listing merit, it would not detract from the listed property
- No impact on vehicular arrangements

The above provides a summary only. Full comments are available to view on the public website.

Representations Received :

None received

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

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

The Revised National Planning Policy Framework (NPPF) 2021 is national policy in the conservation and enhancement of the historic environment which must be considered 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
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

Guidance:
Historic England Advice Note 2 'Making Changes to Heritage Assets' (2016)

Historic England 'Conserving Georgian and Victorian terraced housing - A Guide to managing
Change' (2021)
BaNES Draft City Centre Character Appraisal Bath (2015)
BaNES Draft Bathwick Character Appraisal Bath Conservation Area (2018)

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT
LISTED BUILDING ASSESSMENT
There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

During the process of this application, revised plans have been submitted. The proposal is to remove the conservatory from the rear west side of the building and the upper first floor of the flat roofed 1960s extension. The remaining two-storey extension would be reroofed with a pitched roof which would increase its height.

The existing two-storey extension is considered to be harmful to the listed building. It is of little architectural merit and sits awkwardly against the traditional stone-built farmhouse. The conservatory also has a damaging effect upon the listed buildings appearance. The view from the south is particularly damaged by the two-storey extension and conservatory.

The removal of the first floor bedroom would increase visibility to the historic fabric of the listed building and this is noted as a positive. However, the alterations to the two-storey extension and replacement of its roof is still considered to be harmful, but it would however be less harmful than what is currently in situ.

The proposal seeks to re-order the first floor bathroom and steps to permit access to the master bedroom, improve the rear access and carry out remedial repair works and thermal insulation improvements. The lean-to single storey store off the kitchen would be demolished so that the proposed new kitchen extension would be set on a diagonal axis.

The existing conservatory is detrimental, however its transient appearance retains the form of the stone gable end of the 18th century building which is an important feature of the building. Whilst revisions have been made, concern still remains in relation to the impact of the design and scale of the host building. Whilst the submission has sought to demonstrate that the extension would not be visible from the front gate, this is considered not to be sufficient to demonstrate no harm. The extension would be fully visible from the curtilage of the listed building. It is not considered that the extension being obscured from view from the highway by landscaping is sufficient justification. The extension has been

set behind the gable wall of the building, however, its overall bulk, height and materials have not changed. It is therefore considered that the proposed extension would result in less than substantial harm to the listed building.

Section 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total
loss or less than substantial harm to its significance. Similarly Policy HE1 of BaNES Placemaking Plan states that great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified.

It is concluded that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 202 of the NPPF (2021) requires that any harm be weighed
against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the building.

Reasons for the proposal put forward by the application includes the need/desire for an alternative accommodation layout. It has also been stated that due to the restraints of the site and differing ground levels that all options have been considered and the accommodation cannot be altered to reduce the size of the extension or relocate the kitchen. It has been argued that the proposed development would secure the listed buildings use as a designated heritage asset through securing its optimum viable use. It is noted and considered that the property as existing comprises of awkward connections between rooms, due to the addition of various extensions dating from the 1960s. However, the property is capable of being used as a private dwellings and the restoration is not reliant upon the proposed extension. These reasons do not constitute a public benefit which can be considered to be in accordance with the NPPF. There are therefore no public benefits to outweigh the less than substantial harm. The applications for listed building consent and planning permission are therefore recommended for refusal.

The Council has a statutory requirement under Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above and in this instance the proposed works would not preserve the special interest of the listed building and as such this proposal would fail to meet this requirement.

The proposals are not therefore consistent with the aims and requirements of the primary legislation and planning policy and guidance and constitute unacceptable alterations to the listed building and the conservation area that would not preserve the significance as a designated
heritage asset, also failing to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 202 of the NPPF.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

This application would involve tying into a pitched roof of a historic building which has clear raised and hanging tiles. It is therefore considered that in this instance a bat and nesting bird scoping survey would be required to confirm potential of use by protected species. Protected species surveys are required where there is a 'reasonable likelihood' of presence and impacts. In this case, due to the age of the property and features which could support protected species, the information is required pre-determination. This application has not been supported by a survey and therefore does not demonstrate compliance with the Conservation of Habitat and Species Regulations (2017) and the Wildlife and Countryside Act (1981).

OTHER MATTERS:

A letter has been submitted by the applicants which includes justification for why the applications should be approved. This letter has been fully reviewed and considered by officers. Reference has been made in the letter to the listing description of the property and the subsequent impact of the proposed development. The listing references the mullion windows, moulded front door frame and shell hood over the front door which are present at the front elevation. Whilst these are points of interest of the property, those details listed within the properties listing description does not represent the limit of the properties significance. The building is read as a whole and there are additional features of significance, including the gable end wall. From this view, the proposed extension is visible. The listed building and its setting, and the subsequent impact of the proposed development are considered in the above report. It is considered that the above report fully sets out the reasoning for the officers recommendation, which has been informed by consultation with a Conservation Officer. This letter has not altered the officer recommendation.

CONCLUSION:

The proposal is therefore contrary to policy CP6 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF as outlined above. There are no public benefits resulting from the proposal which would outweigh the harm identified to the listed building. The proposal is therefore recommended for refusal.

The application has not been supported by a scoping survey for bats and nesting birds and therefore does not demonstrate compliance with the Conservation if Habitat and Species Regulations (2017) and the Wildlife and Countryside Act (1981). The application is as such considered contrary to policy NE3 of the Local Plan Partial Update (2017).

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development by reason of its scale, siting and design would result in less than substantial harm to the listed building. This harm is not outweighed by public benefit and is therefore contrary to policy HE1 of the Placemaking Plan and part 16 of the NPPF.

2 The application has not been supported by a scoping survey for bats and nesting birds and therefore does not demonstrate compliance with the Conservation of Habitat and Species Regulations (2017) and the Wildlife and Countryside Act (1981). The application is as such considered contrary to policy NE3 of the Local Plan Partial Update (2017).

PLANS LIST:

1 This decision relates to the following plans:
Revised Drawing - 2 Jun 2023 - 12C - Proposed Block Plan
Revised Drawing - 2 Jun 2023 - 21E - Proposed Lower Floor Plan
Revised Drawing - 2 Jun 2023 - 22B - Proposed Upper Floor Plan
Revised Drawing - 2 Jun 2023 - 23D - Proposed Elevations
Revised Drawing - 2 Jun 2023 - 24 A - Proposed East Elevation

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

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

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

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

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

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

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

3 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.

4 **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. 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

This page is intentionally left blank

Bath & North East Somerset Council

MEETING:	**Planning Committee**	AGENDA ITEM NUMBER
MEETING DATE:	**26th July 2023**	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	**NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**	
WARD:	ALL	
BACKGROUND PAPERS: None		
AN OPEN PUBLIC ITEM		

APPEALS LODGED

App. Ref: 22/03595/FUL
Location: 75 Poplar Close Moorlands Bath Bath And North East Somerset BA2 2JA
Proposal: Installation of a hardstanding dual driveway installed with Porous Resin Bound Surfacing, in conjunction with neighbour at 76 Poplar Close, to include a duel drop kerb between properties.
Decision: REFUSE
Decision Date: 23 December 2022
Decision Level: Delegated
Appeal Lodged: 14 June 2023

App. Ref: 21/01010/FUL
Location: 92 London Road West Lower Swainswick Bath Bath And North East Somerset BA1 7DA
Proposal: Erection of extension to convert existing outbuilding into 1no. dwelling with off-street parking.
Decision: REFUSE
Decision Date: 23 September 2022
Decision Level: Delegated
Appeal Lodged: 28 June 2023

App. Ref: 21/01011/FUL
Location: 92 London Road West Lower Swainswick Bath Bath And North East Somerset BA1 7DA
Proposal: Conversion and extension of existing to create 2no. dwellings with associated off-street parking.
Decision: REFUSE
Decision Date: 23 September 2022
Decision Level: Delegated
Appeal Lodged: 28 June 2023

App. Ref: 21/01012/FUL
Location: 92 London Road West Lower Swainswick Bath Bath And North East Somerset BA1 7DA
Proposal: Erection of a pair of detached 3 bedroom units with allocated parking and gardens
Decision: REFUSE
Decision Date: 23 September 2022
Decision Level: Delegated
Appeal Lodged: 28 June 2023

APPEALS DECIDED

App. Ref: 22/04026/FUL
Location: Land To South Of Widcombe Lodge South Widcombe Hinton Blewett Bristol Bath And North East Somerset
Proposal: Erection of dwelling, covered parking, implement store and formation of vehicular access (Resubmission).
Decision: REFUSE
Decision Date: 29 December 2022
Decision Level: Delegated
Appeal Lodged: 3 April 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 16 June 2023

App. Ref: 22/04825/FUL
Location: 120C Charlton Park Midsomer Norton Radstock Bath And North East Somerset BA3 4BP
Proposal: Alterations and extension to dwelling.
Decision: REFUSE
Decision Date: 23 January 2023
Decision Level: Delegated
Appeal Lodged: 21 March 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 20 June 2023

App. Ref: 22/02743/PIP
Location: Land To South Of 2 The Orchard Stanton Drew Bristol Bath And North East Somerset
Proposal: Development of a minimum of two and maximum of three Passivhaus dwellings and private allotment with associated access, drainage and hard/soft landscape works (Resubmission).
Decision: REFUSE
Decision Date: 8 September 2022
Decision Level: Delegated
Appeal Lodged: 12 April 2023
Appeal Decision: Appeal Allowed
Appeal Decided Date: 5 July 2023

This page is intentionally left blank

Bath & North East Somerset Council		
MEETING:	Planning Committee	
MEETING DATE:	26 July 2023	**AGENDA ITEM NUMBER**
TITLE:	Quarterly Performance Report covering period 1 April – 30 June 2023	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Analysis of Chair referral cases		

1 THE ISSUE

At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across Planning.

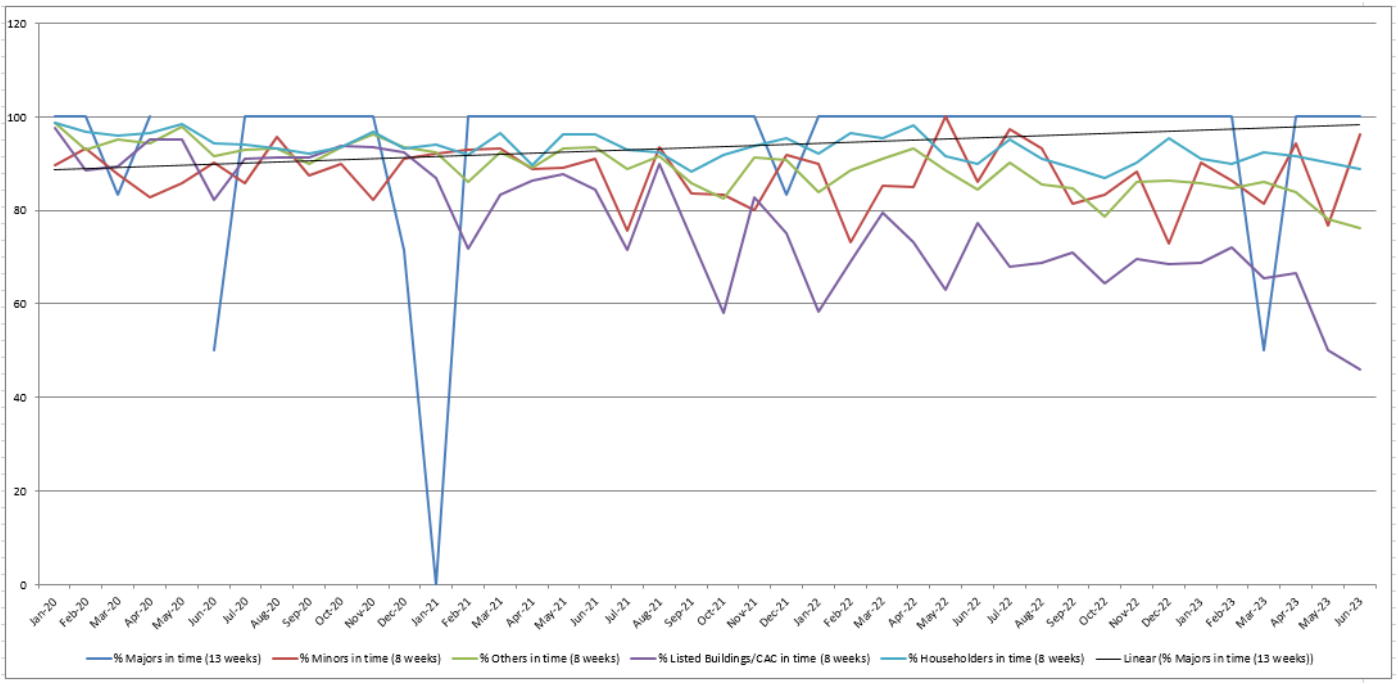
2 RECOMMENDATION

Members are asked to note the contents of the performance report.

3 THE REPORT

Tables, charts and commentary

1 - Comparison of Applications Determined Within Target Times



Majors target 60%, non-majors target 70%

% of planning applications in time	2021-2022				2022-2023			
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
% Majors in time	(8/8) 100%	(8/9) 89%	(11/11) 100%	(4/4) 100%	(7/7) 100%	(7/7) 100%	(7/8) 88%	(8/8) 100%
% Minors in time	(94/113) 83%	(83/97) 86%	(78/94) 83%	(75/83) 90%	(93/103) 90%	(82/101) 81%	(78/91) 86%	(82/92) 89%
% Others in time	(411/463) 89%	(353/400) 88%	(379/431) 88%	(373/420) 89%	(332/383) 87%	(329/394) 84%	(318/372) 85%	(338/426) 79%

Note:
***Major** - 10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over*
***Minor** - 1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare*
***Other** - changes of use, householder development, adverts, listed building consents, demolition in a conservation area*

2 - Recent Planning Application Performance

Application nos.	2021-2022				2022-2023			
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
Received	621	643	710	610	618	564	605	541
Withdrawn	45	47	60	51	42	76	54	70
Delegated no. and %	556 (95%)	481 (95%)	526 (98%)	482 (95%)	472 (96%)	494 (98%)	461 (98%)	518 (98%)
Refused no. and %	34 (6%)	39 (8%)	42 (8%)	34 (7%)	30 (6%)	40 (8%)	26 (6%)	38 (7%)

3 – Dwelling Decisions and Numbers

Decisions on Major residential applications	2021-2022				2022-2023			
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
Decisions on Major residential applications (*10 or more dwellings*)	2	4	3	3	0	3	4	3
Major residential decisions granted	2	3	1	2	0	2	4	3
Number of dwellings applied for on Major schemes	10	502	103	300	776	65	0	428
Number of dwelling units permitted on schemes (net)	88	273	105	610	46	78	251	189

4 - Planning Appeals

	Jul – Sep 2022	Oct – Dec 2022	Jan – Mar 2023	Apr – Jun 2023
Appeals lodged	8	21	15	15
Appeals decided	5	20	15	15

Appeals allowed	0 (0%)	2 (10%)	9 (60%)	6 (40%)
Appeals dismissed	4 (100%)	18 (90%)	6 (40%)	9 (60%)

5 - Enforcement Investigations

	Jul – Sep 2022	Oct – Dec 2022	Jan – Mar 2023	Apr – Jun 2023
Investigations launched	140	122	124	131
Investigations in hand	407	441	474	510
Investigations closed	84	95	86	79
Enforcement Notices issued	2	1	0	6
Planning Contravention Notices served	1	0	6	3
Breach of Condition Notices served	0	1	0	0
Stop Notices	0	0	0	0
Temporary Stop Notices	0	0	0	0
Injunctions	0	0	0	0

6 – Other Work (applications handled but not included in national returns)

The service also processes other statutory applications (discharging conditions, prior approvals, prior notifications, non-material amendments etc) and discretionary services like pre-application advice. The table below shows the number of these applications received

	Jul – Sep 2022	Oct – Dec 2022	Jan – Mar 2023	Apr – Jun 2023
Other types of work	441	352	350	345

7 – Works to Trees

	Jul – Sep 2022	Oct – Dec 2022	Jan – Mar 2023	Apr – Jun 2023
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	18	37	18	15
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	95%	89%	87%
Number of notifications for works to trees within a Conservation Area (CA)	173	216	187	159
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	93%	94%	95%	97%

8 – Corporate Customer Feedback

The latest quarterly report is published here:

https://beta.bathnes.gov.uk/view-complaint-reports

9 - Ombudsman Complaints

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation they can take their complaint to the **Local Government Ombudsman** for an independent view.

Ombudsman Complaints	Jul – Sep 22	Oct – Dec 22	Jan – Mar 23	Apr – Jun 23
Complaints upheld	0	0	0	0
Complaints Not upheld	0	0	0	0

10 – Section 106 Agreements and Community Infrastructure Levy (CIL)

Members will be aware of the Planning Obligations SPD first published in 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress, but does enable the S106/CIL Monitoring Officer to actively monitor the delivery of agreed obligations. S106 and CIL financial overview sums below will be refreshed for every quarterly report. CIL annual reports, Infrastructure Funding Statement and Infrastructure Delivery Plan 2020 are also published on our website: https://beta.bathnes.gov.uk/policy-and-documents-library/annual-cil-spending-reports

(Note: figures are for guidance only and could be subject to change due to further updates with regards to monitoring S106 funds)

S106 Funds received **(2023/24)**	**£88,102.90**
CIL sums overview – Potential Liability amount (April 2015 to date)	**£10,382,211.08**
CIL sums overview – Paid (April 2015 to date)	**£27,198,841.80**

11 – Chair Referrals

Table 12 below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Planning Committee. *A further **analysis of Chair referral cases** is in Appendix 1 below.*

	Jul – Sep 2022	Oct – Dec 2022	Jan – Mar 2023	Apr – Jun 2023
Chair referral delegated	16	15	18	16
Chair referral to Planning Committee	14	3	4	6

12 – 5 Year Housing Land Supply

5 year housing land supply

A	Total planned housing 2011-2029		13,000
B	Completions 2011-2022	2011-2021	8,784
C	Plan requirement	2011-2027	11,552
D	5 year supply requirement (100%)	2022-2027	2,768
E	5 year supply requirement (with 5% buffer)	2022-2027	2,906
G	Deliverable supply (#)	2022-2027	4,246
H	Deliverable supply buffer (%)	2022-2027	53%
I	Deliverable supply (#) over 100% requirement	2022-2027	1,478
J	Deliverable supply (#) over 105% requirement	2022-2027	1,340

A	Alternative Calculation Method				
B	5 year supply requirement (722x5)		3,610		
C	Surplus/deficit		842		
D	Deliverable supply		4,246		
E	5 year requirement + backlog/surplus		2,768	Supply as a % of requirement	Supply in years
F	5 year requirement + backlog/surplus +5% buffer		2,906	146%	7.30

The monitoring reports are also published on our website: https://beta.bathnes.gov.uk/policy-and-documents-library/five-year-housing-land-supply-and-housing-and-economic-land

Appendix 1 - Analysis of Chair referral cases

qry_Analysis of Chair referral cases 1.4.23 - 30.6.23

Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
22/04550/FUL	Wyndrush Tilley LaneFarmboroughBathBath And North East SomersetBA2 0BE	Retention of front boundary wall and gates	CHAIR	06-Apr-23	RF	Chair referral delegated decision
22/03767/FUL	Chopperpod CottageLays Farm Trading EstateKeynshamBristolBath And North East SomersetBS31 2SE	Conversion of garage to 2 bed dwelling.	CHAIR	13-Apr-23	PERMIT	Chair referral delegated decision
22/05155/FUL	Midsomer Norton Sports CentreGullock TyningMidsomer NortonRadstockBath And North East SomersetBA3 2SY	Erection of a coffee outlet, following demolition of a disused public toilet facility.	CHAIR	17-Apr-23	PERMIT	Chair referral delegated decision
22/05183/FUL	Goodfield House192 Bath RoadKeynshamBristolBath And North East SomersetBS31 1TF	Change of use of existing dwelling (Use class C3) to an 8 bedroom house of multiple occupation (Use class Sui Generis) with associated works.	CHAIR	21-Apr-23	PERMIT	Chair referral delegated decision
23/00259/FUL	Breaches Farm HouseCherwell RoadKeynshamBristolBath And North East SomersetBS31 1QU	Erection of 2 storey extension (Resubmission).	CHAIR	24-Apr-23	PERMIT	Chair referral delegated decision
23/00912/FUL	Tall Timbers Pow's HillClandownRadstockBath And North East SomersetBA3 2XN	Erection of double storey front extension, single storey rear and first floor side extension with associated internal and external works.	CHAIR	02-May-23	PERMIT	Chair referral delegated decision
23/00871/FUL	2 Pine WalkWestfieldRadstockBath And North East SomersetBA3 3TQ	Construction of a garage in rear garden and relocation of existing garden shed.	CHAIR	03-May-23	PERMIT	Chair referral delegated decision
23/01075/VAR	22 Uplands RoadSaltfordBristolBath And North East SomersetBS31 3JJ	Variation of condition 2 (Plans List) of application 20/04737/VAR (Variation of condition 2 (plans list) of application 20/02694/VAR (Variation of condition 2 (Plans List) application 19/03008/VAR. (Variation of condition 2 attached to application 18/0144	CHAIR	10-May-23	PERMIT	Chair referral delegated decision
23/01178/FUL	Lobbington Cottage Chew LaneChew StokeBristolBath And North East SomersetBS40 8UE	Change of use of land from agricultural land to garden land and erection of timber fencing (Retrospective) (Resubmission of 22/05135/FUL).	CHAIR	15-May-23	RF	Chair referral delegated decision
21/03622/VAR	Land Rear Of Yearten HouseWater StreetEast HarptreeBristolBath And North East Somerset	Variation of condition 2 (Plans List) of application 14/05836/FUL (Erection of 8 dwellings and access).	CHAIR	15-May-23	PERMIT	Chair referral delegated decision
16/06226/LBA	Crossways HouseCrossways LaneDunkertonBathBA2 8BU	Internal and external alterations for the erection of front boundary wall, gates and railings; internal washroom alterations, removal of former car parking at front and rear and to return garden. Erection of new skittles building following demolition of	CHAIR	30-May-23	RF	Chair referral delegated decision
23/01310/FUL	Roman City Guest House18 Raby PlaceBathwickBathBath And North East SomersetBA2 4EH	Change of use from bed and breakfast (Use Class C1) to residential dwelling (Use Class C3).	CHAIR	12-Jun-23	PERMIT	Chair referral delegated decision
23/01283/VAR	26 Gaston AvenueKeynshamBristolBath And North East SomersetBS31 1LR	Variation of conditions 9 (Parking (Compliance)) and 11 (Plans List (Compliance)) of application 20/00563/FUL (Erection of 1 no 1 bed dwelling).	CHAIR	13-Jun-23	PERMIT	Chair referral delegated decision
23/00958/FUL	21 Charlton ParkMidsomer NortonRadstockBath And North East SomersetBA3 4BN	Erection of two storey side extension to existing house.	CHAIR	14-Jun-23	PERMIT	Chair referral delegated decision
23/00702/FUL	5 The HomesteadKeynshamBristolBath And North East SomersetBS31 1LF	Erection of single storey rear extension with flat roof. (Retrospective)	CHAIR	15-Jun-23	PERMIT	Chair referral delegated decision

23/01171/FUL	Lakeside BarnStoke HillChew StokeBristolBath And North East SomersetBS40 8XJ	Extension of roof and erection of dormer windows at Lakeside Barn.	CHAIR	20-Jun-23	PERMIT	Chair referral delegated decision
21/05471/OUT	Parcel 5159Minsmere RoadKeynshamBath And North East Somerset	Outline planning application for 70 homes (Use Class C3); new vehicular and pedestrian access on to Minsmere Road, public open space; tree planting and habitat creation; site drainage and associated infrastructure, with all matters reserved except for acc	COMMDC	18-May-23	PERMIT	Chair referral to committee. I have reviewed this application and note the comments from all parties. The officer has worked with the applicant to bring aspects of the proposal into line with current policies however, it does still signify a departure from the current development plan. It is the officer's view that material considerations exist to justify that departure, and these are outlined in the officer's report, however, I believe that these warrant debate in the public forum of the planning committee.
21/02973/OUT	Parcel 3589Silver StreetMidsomer NortonBath And North East Somerset	Outline planning permission for formation of access road, footpath and cycle links, open space, landscaping and associated works (All matters except access reserved).	COMMDC	17-Apr-23	PERMIT	Chair referral to committee. I have reviewed this application and note the comments from both ward cllrs and other statutory consultees. Due to the complex and controversial nature of the proposal I believe it should be debated in the public forum of the planning committee.
22/03269/FUL	Hare & Hounds Lansdown RoadLansdownBathBath And North East SomersetBA1 5TJ	Erection of outside bar and decked seating area (Retrospective).	COMMDC	28-Apr-23	PERMIT	Chair referral to committee. I have reviewed this application and note the comments, both for and against, by statutory consultees and other third parties. Harm to a heritage asset – the listed public house – has been raised as an objection by the conservation officer and graded as "less than substantial". I believe that it would be beneficial for the planning committee to review, and debate in public, whether the public benefits listed within the proposal outweigh that harm.
22/04787/FUL	Parcel 2065Meadgate EastCamertonBathBath And North East Somerset	Construction of an agricultural access off Camerton Road, to include erection of a gate (Partially retrospective).	COMMDC	06-Apr-23	PERMIT	Chair referral to committee. I have reviewed this application and note the objections and comments from all parties. The officer has worked with the applicant to address the issues raised but concern remains about some aspects of the proposal. I therefore refer this application to be debated by the Planning Committee.
20/03152/FUL	Development Site Next To Somerdale PavilionTrajectus WayKeynshamBath And North East Somerset	Erection of 44 no. Extra Care units (Use Class C2) and ancillary works including landscaping.	COMMDC	11-May-23	PERMIT	Chair referral to committee. I have reviewed this application carefully and read the comments from Keynsham Town Council and other third parties. The affordable housing offer is welcome and keeps the scheme within the percentages agreed in 2013 for the whole site. The parking arrangements are policy compliant and adjustments made to the landscaping plan are also welcome. Many of the objections, however, reflect the revised height of Block D and the loss of previously agreed small scale local needs retail. These concerns are also expressed in the reports from the Urban Design officer and Planning Policy team. I am therefore referring this application to committee so that these aspects can be debated in a public forum.
22/02622/FUL	2 Fairfield TerracePeasedown St JohnBathBath And North East SomersetBA2 8HL	Erection of new separate two storey dwelling including formation of new vehicular access and double car parking area for existing house, new pedestrian access for new dwelling, both off Braysdown Lane following removal of existing garage and outbuilding w	COMMDC	08-Jun-23	PERMIT	Chair referral to committee.I have reviewed this application and note the comments from all parties. Despite the applicant and officer having worked together to overcome some issues raised,controversy remains about the impact on the street scene and character of the local area. I therefore refer this decision for debate at the planning committee.
23/00260/FUL	Heighgrove Barn Scumbrum LaneHigh LittletonBristolBath And North East SomersetBS39 6JN	Construction of car port.	COMMDC	06-Apr-23	RF	Farmborough Parish Council have supported the application, contrary to the officer's recommendation to refuse.

Contact person	John Theobald, Project/Technical and Management Support Officer, Planning 01225 477519
Background papers	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics
Please contact the report author if you need to access this report in an alternative format	

This page is intentionally left blank