

Planning Committee

Date: Wednesday, 23rd August, 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

Substitutes:- Councillors: Alex Beaumont and Fiona Gourley

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Corrina Haskins

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NOTES:

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

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

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, 23rd August, 2023

at 11.00 am in the Brunswick Room - Guildhall, Bath

AGENDA

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 - 12)

To confirm the minutes of the meeting held on Wednesday 26 July 2023 as a correct record for signing by the Chair.

7. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 13 - 42)

The following item will be considered in the morning session starting at 11am:

1. 22/03580/FUL Former Welton Bibby And Baron Factory, Station Road, Welton, Midsomer Norton
8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 43 - 62)

The following items will be considered in the morning session starting at 11am:

1. 22/04498/FUL The Cottage, Sutton Hill Road, Bishop Sutton, Bristol, Bath And North East Somerset
2. 23/01759/FUL 8 Rennie Close, Bathwick, Bath, Bath and North East Somerset
9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 63 - 66)

The Committee is asked to note the 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>

PLANNING COMMITTEE**Minutes of the Meeting held**

Wednesday, 26th July, 2023, 11.00 am

Councillors: Duncan Hounsell (Chair), Ian Halsall (Vice-Chair), Paul Crossley, Hal MacFie, Shaun Hughes, Dr Eleanor Jackson, Tim Warren CBE, Ruth Malloy and Fiona Gourley

21 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence had been received from Cllrs Lucy Hodge and Toby Simon.

Cllr Fiona Gourley was substituting for Cllr Lucy Hodge and Cllr Ruth Malloy was substituting for Cllr Toby Simon.

23 DECLARATIONS OF INTEREST

There were no declarations of interest.

24 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair reported that the Council's Planning Service had won two awards at the RTPI (Royal Town Planning Institute) South West Awards for Planning Excellence and the service would go forward to the national awards in October.

The Committee congratulated the Planning Service for this achievement.

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

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

26 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson seconded by Cllr Tim Warren and:

RESOLVED that the minutes of the meeting held on Wednesday 28 June 2023 be confirmed as a correct record for signing by the Chair.

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

The Committee considered:

A report by the Head of Planning on various planning applications 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) 23/00895/FUL – Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath

The Case Officer introduced the 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 confirmed that the application had been deferred at the previous meeting to allow members to visit the site and also that the principle of the loss of the cottage had been established as there was prior approval to demolish the cottage under permitted development rights.

She gave a verbal update to report a typographical error in the second to last paragraph under 'design, character and appearance' in the report where the words "whilst the overall design is not" should be deleted and confirmed that officers considered the design to be acceptable. She also confirmed that a further objection had been received since the site visit in relation to loss of views, visual impact of design and urban to rural transition and that these concerns had already been addressed in the report.

She confirmed her recommendation that permission be granted subject to the conditions set out in the report.

The following public representations were received:

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

Cllr Joanna Wright was in attendance as local ward member. She thanked the Committee for visiting the site and raised the following issues:

1. The application for 2 dwellings was an intensive development that would harm the character and appearance of the area of outstanding natural beauty.
2. There were amenity concerns, the raised balcony was overbearing and the height of plot one would result in neighbouring properties being overlooked.
3. The design was contrary to policies D1 – D6
4. A large number of local residents had objected along with Bath Preservation Trust, Charlcombe Parish Council and the Campaign for the Protection of Rural England.
5. Charlcombe Toad Rescue Group was concerned about the impact on the local amphibian population.

6. There were poor transport links to the site.
She asked the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. The volume of plot 1 was bigger than the existing cottage and plot 2 was additional and so there would be an increased footprint on the site as a result of the development. The increase in volume was not a consideration as the site was on the edge rather than within the greenbelt.
2. There was a condition relating to a waste management plan for the site.
3. Officers concluded that the impact on residential amenity was considered acceptable.
4. The proposed development would be built to Passivhaus standards.
5. External lighting levels were not considered to be unacceptable.
6. The access and parking arrangements were similar to other properties, and it would be difficult to sustain an objection on these grounds.
7. In relation to ecology concerns, the Council Ecologist had not objected to the scheme, subject to suitable conditions including a mitigation plan.

Cllr Ian Halsall stated that he considered the design to be acceptable and noted the ecological enhancements and mitigations. He considered that both plots had generous curtilages and there was enough distance from neighbouring properties to not harm residential amenity.

Cllr Shaun Hughes stated that he thought the proposed scheme was an overdevelopment of the plot, the block design was intrusive, and it was not sympathetic to the area.

Cllr Eleanor Jackson stated that, after visiting the site and considering the context, she believed there would be a negative impact on the surrounding area and felt that the block design was not appropriate on the narrow site.

Cllr Tim Warren stated that he considered the application to be policy compliant and was minded to support the application.

Cllr Fiona Gourley stated that while she understood the concerns of local residents, the proposal would be set further back than the existing cottage; the Passivhaus standard was good, and the contemporary design was not unreasonable in the area.

Cllr Ruth Malloy expressed concern about the overdevelopment of the site and the contemporary design which was not in keeping with the area.

In response to comments about whether a historic design would be more appropriate, the Legal Officer reminded the Committee that it could only consider the application in front of it.

Cllr Eleanor Jackson proposed that the application be refused on grounds of inappropriate design, loss of residential amenity and overdevelopment of the site. This was seconded by Cllr Ruth Malloy.

Cllr Paul Crossley spoke in support of the application which he considered to be acceptable and not overbearing and intrusive.

On voting for the motion to refuse the application it was NOT CARRIED (3 in favour 6 against).

Cllr Hal MacFie moved the officer recommendation that permission be granted subject to the conditions set out in the report. This was seconded by Cllr Ian Halsall.

On being put to the vote the motion was CARRIED (6 in favour, 3 against).

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

(2) 22/04431/FUL - Lower Bristol Road, Westmoreland, Bath

The Case Officer introduced the report which considered an application for the redevelopment of the 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 confirmed that the Committee had agreed to delegate to permit at the previous meeting but during Section 106 negotiations, officers were advised that there would be a low number of full-time employees at the site and therefore a full Travel Plan and bond would be excessive, and a Travel Plan Statement would be more appropriate. She recommended that the Section 106 only seek a contribution towards targeted training and recruitment.

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 financial contribution of £6,545 towards Targeted Training and Recruitment
2. the conditions set out in the report.

In response to Members' questions, it was confirmed:

1. In the event of the self-storage warehouse moving off the site, any future planning application would be assessed on its merits and a travel plan and bond may be considered appropriate.
2. In relation to whether loss of employment on the site was a concern, the proposal could be beneficial to local businesses as well as the public. The Economic Development team were supportive of the proposal and so any objection on loss of employment would not have been sustainable.
3. The targeting recruitment contribution was standard for the size of development.
4. The travel plan would have only been for employees, there was no mechanism to restrict how public travelled to the site. It would be difficult to justify a car share scheme in relation to a commercial site.

Cllr Paul Crossley stated that it was important to bring the site back into operation and he supported the application.

Cllr Duncan Hounsell moved the officer recommendation. This was seconded by Cllr Tim Warren.

On being put to the vote the motion was CARRIED (9 in favour, 0 against unanimous).

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

1. the completion of a Section 106 Agreement to secure a financial contribution of £6,545 towards Targeted Training and Recruitment.
2. the conditions set out in the report.

Cllr Ruth Malloy left meeting at this point.

(3) 22/03580/FUL Former Welton Bibby And Baron Factory, Station Road, Welton, Midsomer Norton

The Case Officer introduced the report which considered the application for 'enabling works' in preparation for the Policy SSV4 site redevelopment including demolition, groundworks, flood mitigation and formation of 2m footpath.

He confirmed that although the proposal represented a departure from part of the allocation policy as it did not seek the retention of the former brewery building, this was outweighed by the public benefits of the scheme and therefore it was recommended that permission be granted.

The following public representations were received:

1. Cllr Michael Moxham, Midsomer Norton Town Council speaking in support of the application.
2. Jane Lewis, local resident, objecting to the application.
3. Nigel Whitehead and Tom Schumacher speaking in support of the application.

In response to Members' questions, it was confirmed:

1. The application was a full application for the enabling works.
2. There would be conditions in place to ensure that the brewery façade was rebuilt, and officers were satisfied that this was a sufficient safeguard. If conditions were breached, enforcement action could be taken.
3. The brewery building was partly within the Midsomer Norton Conservation Area and was identified as a non-designated heritage asset.
4. The façade would not be rebuilt at the full height of the brewery building as this was considered to be too excessive.
5. The two existing accesses would be retained in the same position but enhanced in terms of visibility.
6. There was no extant planning permission on the site.
7. The previous outline consent was for a footpath through the site rather than along the road.
8. There was no viability study about retaining the brewery building and changing the use and the benefits of the application could only be achieved by the demolition of the building.
9. Whether the site was on a bus route was not relevant to the application as there was no residential/commercial use.

Cllr Shaun Hughes opened the debate as local ward member. He reported that the brewery was a part of the history of Midsomer Norton, and local opinion was divided in relation to this application between those wishing to retain the building as part of a new development and those wishing to see the brownfield site developed at the earliest opportunity. He stated that it would be valuable for the committee to see the

site and proposed that a decision be deferred for a site visit. This was seconded by Cllr Eleanor Jackson.

Cllr Ian Halsall spoke in support of the site visit to see the context of the application.

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

RESOLVED that the decision be deferred for a site visit.

Items 4 and 5 were considered together.

(4) 22/01861/FUL The Old Farmhouse, Withyditch, Dunkerton, Bath

(5) 22/01862/LBA The Old Farmhouse, Withyditch, Dunkerton, Bath

The Planning Officer introduced the reports which considered applications for planning permission and listed building consent 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.

She confirmed the officer recommendation that the applications be refused for the reasons set out in the report.

The following public representations were received:

1. Louisa Morrison, applicant, speaking in support of the application.

In response to Members' questions, it was confirmed:

1. A scoping survey for bats and birds did not fall into validation criteria but it did fall within the Council's guidance.
2. The officer view was that although the application was an improvement on the existing extension, there would still be less than substantial harm caused to the listed building.
3. Weight could be given to the public benefit in that the proposed scheme was less harmful than the current extension.
4. Consideration could be given to the proposed scheme making the building more viable as a family residence.
5. Biodiversity net gain was not a consideration in relation to householder applications.

Cllr Fiona Gourley opened the debate as local ward member. She said that she considered there to be public and private benefits of the application and that the proposed materials were sympathetic to the listed building. She confirmed she was minded to support the Parish Council's view that the application should be permitted.

Cllr Paul Crossley expressed the view that he did not consider the fact that the existing extension was more harmful to be a reason to grant permission and he was minded to support the officer recommendation to refuse the application. Cllr Hal MacFie concurred with this view.

Cllr Shaun Hughes expressed reservations about the design which he did not consider would complement the listed building.

Cllr Tim Warren proposed that officers be delegated to permit the application subject to suitable conditions. This was seconded by Cllr Eleanor Jackson.

Cllr Ian Halsall stated that he was minded to support the motion on the grounds that the harm was less than substantial and would reduce the level of existing harm and there was public benefit in securing the optimum viable use of the building for the future as a liveable family home. As mover of the motion, Cllr Tim Warren agreed with these reasons.

Following a discussion about whether a scoping survey for bats and birds was necessary, it was agreed that it was not as the gable ends would not be affected by the proposed extension.

Vote on item No. 4
Application No. 22/01861/FUL

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

RESOLVED that authority be delegated to officers to grant planning permission subject to suitable conditions.

Vote on item No. 5
Application No. 22/01862/LBA

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

RESOLVED that authority be delegated to officers to grant planning permission subject to suitable conditions.

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

Cllr Eleanor Jackson requested an update on the inspector decision in relation to The Magpies, Radstock and enforcement action in relation to the hole in the wall on Frome Road.

In response to a question as to whether there was any learning from the Inspector's decision in relation to 22/02743/PIP Land To South Of 2 The Orchard Stanton Drew in relation to Passivhaus applications, the lead officer confirmed it was an in principle application which followed a different process. He confirmed that it was possible for the application to come back to committee if in accordance with the scheme of delegation.

RESOLVED that the report be noted.

29 **QUARTERLY PERFORMANCE REPORT COVERING PERIOD 1 APRIL - 30 JUNE 2023**

In response to a question about whether targets should be reviewed, the lead planning officer confirmed that there was a recent government consultation on planning policy and that targets may be reviewed as a result of that process.

RESOLVED that the report be noted.

The meeting ended at 3.37 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	23rd August 2023
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

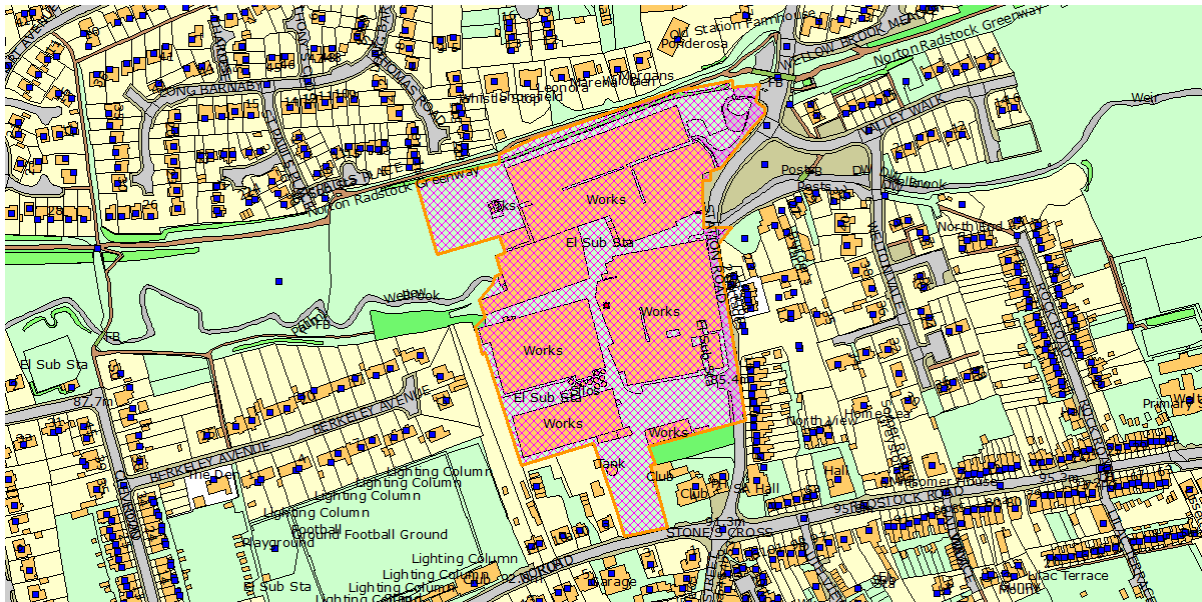
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	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	Delegate to PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
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

UPDATE: Further updates have been made to the report to clarify matters in respect of heritage policies, conditions and s106 obligations.

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."

The application was presented to the Planning Committee on 26th July 2023 and was deferred to allow members to undertake a site visit scheduled for the 14th August 2023. Furthermore, following a review and in an effort to provide additional certainty and clarity there have been some minor amendments to the committee report, most notably the recommendation which has now been changed to DELEGATE TO PERMIT to allow for the completion of a s106 agreement to secure the delivery of the highways works.

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 site 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 façade of 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. Widening of Station Road carriageway
5. Creating a new footway on the west side of Station Road
6. Constructing a new stone retaining wall to the edge of the site with a pedestrian access point
7. Two new pedestrian crossings; one each at the north and south ends of Station Road
8. 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.

Environmental Impact Assessment

The application proposals are considered, as part of a wider redevelopment of the allocation, to be an urban development project which has an overall area of more than 5 hectares. It has therefore been screened under the Environmental Impact Assessment Regulations 2017. The screening opinion concludes that the project will not have a significant impact upon the environment and therefore does not represent EIA development.

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

Advice was given at the pre application stage under 22/00321/PA03 about the proposed enabling work. The key heritage issue was and still is the proposed demolition of the former brewery buildings, a non designated heritage asset and the impact this will have on the character of the designated conservation area.

The originally submitted application proposed moving the "rebuilt" portion of the façade further north away from the historic location of the brewery buildings and the substitution of buildings and walls with tall railings. This would have ratcheted up the level of heritage harm caused by the scheme to be factored into the overall planning balance in determining the application.

The criteria set out in policy SSV4 for development of the site intended to safeguard heritage significance would have been effectively stripped away by this approach leaving a standard scheme that failed to respect its historic context.

Given the much higher level of heritage harm identified in connection with these proposals the level of any public benefit would have needed to be commensurately high to decisively outweigh the harm.

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

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 later, 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 buildings 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.

Significance of Midsomer Norton Conservation Area

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

The loss of the brewery building is therefore considered to negatively impact upon the character and appearance of the Conservation Area and its setting. The level of harm to the significance of the Conservation Area is considered to be 'less than substantial'.

Significance of non-designated heritage asset

The Historic Building Report submitted with the application concludes that the brewery buildings are a non-designated heritage asset of moderate value with their significance derived from their evidential (archaeological), historic and architectural interest.

Whilst there has clearly been significant alteration and additions to the buildings as a result of conversion to later industrial processes both the northern and the southernmost building spaces survive without any internal subdivision (at least on the ground and first floor which were the only levels accessed). There is still a good deal of evidential fabric in all the buildings. Some floor plan legibility is also retained in the sense that each building remains legible in its own right and no structural external or internal walls have been removed. Internal subdivision in Building 2 is not difficult to discern given the new work is generally concrete block work (ground floor) or timber studwork (first floor) with some modern plaster.

The arched openings throughout the buildings reference an industrial aesthetic directly related to the brewing industry where large openings were crucial for the movement of large pieces of equipment such as barrels.

The lack of survival of a legible brewing circulation plan, or any equipment, and including significant alterations, does compromise the value of the evidential fabric, but even so, enough structural fabric, features and indeed floor plan layout, survives for there to be a degree of evidential value on past brewing operations inherent in the fabric of the Buildings.

The relationship of building fabric to historic value is close and symbiotic in the sense that the structure, plan and materials of the buildings help illustrate the history of the site. The survival of the Buildings within the wider site and townscape has some historic illustrative value in their ability to help narrate the story of brewing (and of the latter printing/packaging industry) within the town.

This recognition also provides a degree of historic associative value. The associative connections to the Thatcher family who appear to have dominated the brewing industry in the town (various Thatcher's being owners of both the North Brewery and the Welton Old Brewery) also contributes to these values.

In terms of architectural value, there is a clear progression to the development of the buildings (evident in their building design) which offers information on the development and refinement of the architecture of brewing within the locality. This is evidenced in the way that the industrial vernacular of the buildings becomes progressively more refined and designed with each building; Building 1 incorporating design elements that directly reference an established mid-19th century industrial aesthetic (red brick detail, dressed arched openings, metal windows with louvres for ventilation, metal structural members).

The architectural value of the buildings is largely embodied in the external elevations, though some internal features are of some interest. It is also reasonable to assume with the removal of the rear (west) sheds, that the architectural treatment of the rear elevations would also contribute to the overall architectural value.

The proposals will result in the total loss of the non-designated heritage asset.

Development plan policies

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."

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.

The proposals will result in the total loss of the former brewery building. Furthermore, the application is not supported by 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.

The proposals are therefore considered to be contrary to this element of policy SSV4.

In addition, policy HE1 of the Placemaking Plan requires, inter alia, the following:

"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. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset."

In respect of Conservation Areas, policy HE1 also states:

"Development, including any proposed demolition, within or affecting the setting of a conservation area will only be permitted where it will preserve or enhance those elements which contribute to the special character or appearance of the conservation area. The Council will look for opportunities from new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance."

The proposals will result in less than substantial harm to the significance of the Conservation Area, due to the loss of a brewery building which makes a positive contribution towards its special character and appearance. Great weight is afforded to this harm. However, in this case it is considered that the harm identified is justified given that the improvements to Station Road cannot physically be delivered without the demolition of the brewery building. It is also considered that the public benefits arising from the development outweigh the harm identified.

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

1. Widening of the Station Road carriageway
2. Provision of a 2m footpath along west side of Station Road
3. Widening of footpath to 1.8m along east side of Station Road
4. 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.

Additionally, the proposals include rebuilding 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 have 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 further 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.

In respect of whether it has been demonstrated that all reasonable efforts have been made to sustain the asset or mitigate the level of harm, whilst there has been no viability assessment undertaken, 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.

In respect of non-designated heritage assets, policy HE1 states:

"Proposals affecting non-designated heritage assets, including unscheduled archaeology, unlisted buildings and local parks and gardens, should ensure they are conserved having regard to their significance."

The former brewery buildings hold moderate significance and great weight is afforded to the total loss of the asset. However, this harm is justified given that the improvements to Station Road cannot physically be delivered without the demolition of the brewery building. It is also considered that the public benefits arising from the development (identified above) outweigh the harm identified.

In respect of whether it has been demonstrated that all reasonable efforts have been made to sustain the asset or mitigate the level of harm, whilst there has been no viability assessment undertaken, 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.

Whilst the proposal does not comply with criterion 7(c) of policy HE1, in that it fails to preserve or enhance those elements which contribute to the special character or appearance of the conservation area, it is considered that when the proposals are weighed against the public benefits, as required by the other parts of HE1, the harm is considered to be justified.

Statutory duties

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. In this instance, the proposals result in the loss of the former brewery building which makes a positive contribution to the Conservation Area. This will not preserve nor enhance this part of the Bath Conservation Area and as such this proposal fails to meet this requirement.

NPPF

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.

As identified above, the proposals will result in less than substantial harm to the Conservation Area.

Paragraph 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The identified harm is therefore given great weight.

In this case, it is considered that the public benefits of the proposals (identified under the Development plan policies section above) are significant and outweigh the less than substantial harm identified.

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 former brewery buildings hold moderate significance and there would be a total loss of the asset as a result of the proposals. This weighs against the proposals.

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. Its limited width means that it would be difficult for pedestrians traveling in opposite directions to pass each other, particularly 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 highway 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 a greater value has been attributed to an improved pedestrian route along Station Road, over a safer, less polluted route through the centre of the allocated site as shown on the previous permission. Firstly, the provision of an 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 alleviates highway 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 and/or s38 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:

To ensure that the benefits of proposed highways improvements are delivered, these will need to be secured. However, it is not physically possible for the highways improvements to be delivered before the brewery building is demolished. To ensure their delivery it is proposed that a s106 agreement is prepared to secure the delivery of the highways works following the demolition. This will require the developer to enter into a highways agreement which itself 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. Widening of the Station Road carriageway
2. Provision of a 2m footpath along west side of Station Road
3. Widening of footpath to 1.8m along east side of Station Road
4. Provision of two pedestrian crossing points on Station Road

To ensure that the historic brewery façade is rebuilt following the demolition this will also be secured through a s106 agreement.

Planning 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. Undoubtedly, 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 guarantee 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 in 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:

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 the weighing exercise in policy HE1 and other relevant planning policies, the proposal does conflict, in part, with criterion 3 of allocation policy SSV4 and criterion 7(c) of HE1 as it does not seek the retention and reuse of the former brewery building and fails to preserve or enhance those elements which contribute to the special character or appearance of the conservation area. Furthermore, the application is not supported by viability testing or a review of wider possible uses of the former brewery building.

It is therefore considered that there is conflict with the development plan, albeit relatively limited, as a result of which the proposal does not comply with the development plan as a whole. Therefore, the application has been advertised as a departure from the development plan in this instance. It is consequently necessary to consider the other material considerations that are relevant to this proposal.

There are several material considerations which weigh against the proposal including:

1. Less than substantial harm to the Conservation Area. In accordance with the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight must be afforded to this matter.
2. The total loss of a non-designated heritage asset of moderate significance.

Balanced against the conflict with the development plan and these material considerations, are several material considerations which weigh in favour of the development 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.

6. Whilst not supported by a viability assessment, 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.

7. Rebuilding of the 'brewery elevation' along the eastern boundary at the top of the new embankment along Station Road 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.

8. Removal of the other modern visually intrusive industrial buildings on the site would enhance the setting and significance of the conservation area.

Whilst affording due weight to the statutory force of the development plan, taken together, the material considerations in favour are substantial benefits, and it is considered that, in this instance, there are sufficient material considerations in favour of the application which outweigh the identified conflict, and which justify the grant of planning permission.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A.) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to cover the following:

1. Requiring a highways agreement to be entered into under s278 and/or s38 of The Highways Act 1980 to secure the construction and adoption as highway maintainable at the public expense of the following::

- a. Widening of the Station Road carriageway
- b. Provision of a 2m footpath along west side of Station Road
- c. Widening of footpath to 1.8m along east side of Station Road
- d. Provision of two pedestrian crossing points on Station Road

2. The agreement shall also require that:

- a. the demolition of part or all of the building(s) shall not commence until a programme for the rebuilding of the former brewery building façade (in accordance with the approved drawings) has been submitted to and approved in writing by the Local Planning Authority;

- b. the programme shall include full details of the works required to rebuild the façade, including the timing of those works;
- c. the rebuilding shall be carried out in accordance with that programme and the approved drawings.

B.) Subject to the prior completion of the above agreement, authorise the Head of Planning to PERMIT subject to 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 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 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.

4 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.

5 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.

6 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.

7 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.

8 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.

9 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.

10 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 PLAN	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 have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	23rd August 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	22/04498/FUL 10 July 2023	Mr Chris Miller The Cottage , Sutton Hill Road, Bishop Sutton, Bristol, Bath And North East Somerset Single Storey Front Extension (Resubmission)	Chew Valley	Angus Harris	REFUSE
02	23/01759/FUL 25 August 2023	Mr & Mrs Tim & Karen Kidd 8 Rennie Close, Bathwick, Bath, Bath And North East Somerset, BA2 4GZ Erection of a ground floor extension to the rear and installation of 1 no. roof light.	Widcombe And Lyncombe	Christine Moorfield	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 22/04498/FUL
Site Location: The Cottage Sutton Hill Road Bishop Sutton Bristol Bath And North East Somerset



Ward: Chew Valley **Parish:** Stowey Sutton **LB Grade:** N/A
Ward Members: Councillor Anna Box Councillor Dave Harding
Application Type: Full Application
Proposal: Single Storey Front Extension (Resubmission)
Constraints: Bristol Airport Safeguarding, Agricultural Land Classification, Coal - Referral Area, Policy CP9 Affordable Housing, Housing Development Boundary, Neighbourhood Plan, Policy PCS6 Unstable Land-Coal Mining Le, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr Chris Miller
Expiry Date: 10th July 2023
Case Officer: Angus Harris
To view the case click on the link [here](#).

REPORT Reason for Reporting to Committee

Stowey Sutton Parish Council have supported the planning application (see full comments in the representations section below). This is contrary to the officer recommendation to refuse planning permission, therefore 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 Hounsell : I note the detailed commentary of Stowey Sutton Parish Council and the assertion that the application complies with the local Neighbourhood Plan. The site is constrained and currently largely obscured. The committee might wish to consider the particular circumstances in this location, the styling and materials proposed, and the impact and stated purpose of the extension.

Vice Chair, Cllr. Ian Halsall: Given the Parish Council's support for the proposal and the circumstances of the site, it is considered that the application should be considered by committee.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Stowey Sutton Parish Council:

The application should be considered against the Adopted Stowey Sutton Neighbourhood Plan. The application site is Inside the established housing development boundary, & outside the green belt & AONB.

Housing and Development Policy SSHP01 Housing Boundary:

The housing development boundary (HDB) for Bishop Sutton should be re-defined to strictly follow the existing HDB but with the addition of the strict boundary of the two already approved housing developments of Cappards and Oak Park which together total 76 houses The property is inside the extended housing development boundary & so complies with the aims of SSHP01.

Housing and Development Policy SSHP02 Development Scale:

The Neighbourhood Plan will support infill housing, within the housing development boundary, this is likely to be small scale development and will be of an individual character in keeping with the Character Assessment, the exception to such development will be if it is deemed to be harmful to the Green Belt, or threaten the AONB which has the highest level of protection in the NPPF (National Planning Policy Framework).

Housing and Development Policy SSHP03 Development Character:

The Neighbourhood Plan will support future housing development which will reflect the character, varied materials and varied build design as identified through the Character Assessment and should be limited to infill within the amended HDB. For this application the considerations for SSHP02 & SSHP03 are largely the same & the responses for each are combined below.

The ground floor Lobby/home office adds significantly to the massing at the front of the building & uses a external timber cladding which will form a striking contemporary design with significant glazed areas in the walls together with three additional rooflights in this area close to the edge of the settlement.

The ground floor Lobby/home office broadly meets the aims of SSHP03 although the contemporary styling & materials palette are not characteristic of the predominant style for the area as identified in appendix E of the adopted Stowey Sutton Neighbourhood Plan.

Housing and Development Policy SSHP04 Property Size:

In accordance with the 2014 housing needs survey the Neighbourhood Plan supports infill development which proposes to build small (1 and 2 bedroom) low cost open market houses.

The application does not propose to alter the number of bedrooms & so SSHP04 does not apply.

Housing and Development Policy SSHP06 Lighting:

Where lighting is proposed, it should be designed to avoid intruding into areas where darkness is a characteristic of the village. Any lighting scheme must not impact negatively near woodland edges or near hedgerows used by bats for foraging.

The application makes no reference external artificial lighting therefore if B&NES are minded to approve the application it will be important to include a condition to minimize the effect of artificial lighting, through the use of window dressings such as blinds & curtains on the five roof lights as well as by considerate design for external lighting features.

As such the application does not demonstrate compliance with SSHP06 & a condition to control the effect of artificial lighting, both externally installed and spilling from any skylights should be included in any permission granted.

Business and Employment Policy SSBE04 Homeworking:

Building alterations that support homeworking for residents will be supported in principle by this Neighbourhood Plan. The application design includes provision of a study/office space, as such the proposal does meet the aims of SSBE04

Conclusion - supported with comments

The ground floor Lobby/home office meets the aims of SSHP01,02 & 03 & SSBE04 is acceptable in principle subject to the inclusion of a condition to control the effect of artificial lighting, both externally installed and spilling from any skylights the proposal broadly meets the aims of the adopted Stowey Sutton Neighbourhood Plan. With inclusion of a condition to control the effect of artificial lighting, both externally installed and spilling from any skylights should be included in any permission granted, Stowey Sutton Parish Council have no objection to this planning application.

1 no. neighbour comment has been received:

We do not completely object to the proposed front single storey extension, but we do however object to some of the aspects concerning the proposed build.

The side elevation (south west face) is the side that will face our property. The description states (Drawing Reference BPB-21-022_DR016D) - "render to match main house". However the main house is stonework - see enclosed picture. As the other aspects of the front extension will be stonework, this side in our opinion should be in a similar material and match existing.

Also note that the south west border with The Cottage's front garden is currently an approximately eight foot masonry wall. The proposed ground floor plan (BPB-21-022_DR013D) plan outlines how the front extension will extend into the front garden and come close to abutting this boundary wall, with the space between the south west face and the boundary wall tapering. If this south west aspect is to be rendered, it would not be possible to complete it to a satisfactory aesthetic standard after the main block work construction due to access / space. This is another reason why this face should be, in our opinion, stonework.

The boundary wall is likely to be disturbed by any foundation digging and as shown by the photos attached is at risk of falling onto our land, damaging decking adjacent to this and flower beds. If the wall has to be replaced, then it will need to be an equivalent height to maintain current privacy for both houses, especially when considering that The Cottage is elevated with respect to our property.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

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

Core Strategy:

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

B1: Bath Spatial Strategy
CP5: Flood Risk Management
CP6: Environmental Quality
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D5: Building design
D.6: Amenity
ST7: Transport requirements for managing development
NE3: Sites, Habitats and Species

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

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 Planning Practice Guidance (PPG).

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

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.

The application seeks the erection of a single storey extension to the front of the dwelling. The Cottage is situated back from Sutton Hill Road, accessed via a shared driveway. Its front elevation faces north. The existing building is a detached residential cottage, of 2-storeys with a dual pitched roof and side facing gables. It sits adjacent to a neighbouring

building of similar form, however this building does not appear as a dwelling, does not have front facing doorway or a symmetrical arrangement of windows. The neighbouring building has single garage attached to the front which is situated on a lowered ground level, adjacent to the front garden and access for the application site.

The buildings utilise stonework to the front with render to the sides. White framed casement windows are set in a symmetrical arrangement, with the main entrance doorway set in the centre of the cottage's principal elevation.

The proposal seeks a single storey extension at the front. It will form a monopitched roof, measuring 2.4 meters in height at the eaves and 3.3 metres in height at the ridge. The extension seeks to project 4.4 metres to the front, with a width of 4.6 meters which covers more than half of the width of the principal elevation.

While the design of the front extension resembles that of the garage, with a mono-pitched roof and materials to match those of the main dwelling, the scale and positioning of the extension is still considered to be a particularly dominant addition for the front of the cottage, result in the loss of symmetry and the covering of the primary entrance way.

The garage itself is a prominent addition when viewing the buildings from the front which dominates the north east elevation of the neighbouring building.

It is noted that a recent refusal was issued for an application at this property, reference 22/01061/FUL. The refusal proposed additional elements of development which are not present within this current application, however it did seek permission for a front extension of a similar scale to that now being assessed. While the refused front extension was of a more contemporary design, it was similarly found to form a dominant addition to the principal elevation.

While the property itself is access via a shared driveway and screened by mature boundary vegetation, it is noted that the site is not within a conservation area and the trees are not protected by TPOs, meaning they can be removed and cleared without the need for planning approval.

The proposal by reason of its design, siting, scale, massing, layout and materials forms an overly dominant addition to the principal elevation and is considered to be harmful to the character of the cottage. The proposal is contrary to Policy CP6 of the Core Strategy, Policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 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 application site is a detached dwelling, positioned to the rear of the gardens of the detached properties fronting Sutton Hill Road. Given its siting, the proposed works to create the single storey front extension is not considered likely to result in an unacceptable increase in overshadowing.

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 proposed works will retain the existing garage and the driveway spaces for the property. As such, 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 (2023), and part 9 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.

It has been recommended that a condition is put in place to limit the external light spill from the proposal. The works seek to erect a front extension which will include 2no casement windows and 2no skylights. Given the scale of the proposal and the 2no rooflights with smaller openings, the proposal is not considered to result in a significant increase in light spill and as such, the recommended condition is not considered necessary.

OTHER MATTERS:

Concern is raised to the proximity of the extensions side (south) wall to the wall which forms the boundary with the adjacent neighbour. The walls are positioned within 0.2 meters of each other. Concern is raised to the ability of applying the render post-construction, and also to the potential for damage to the wall during the construction and digging of foundations. Any development requires consent from the building control team and is expected to comply with building regulations.

CONCLUSION:

The application is therefore recommended for refusal for the reasons outlined above.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

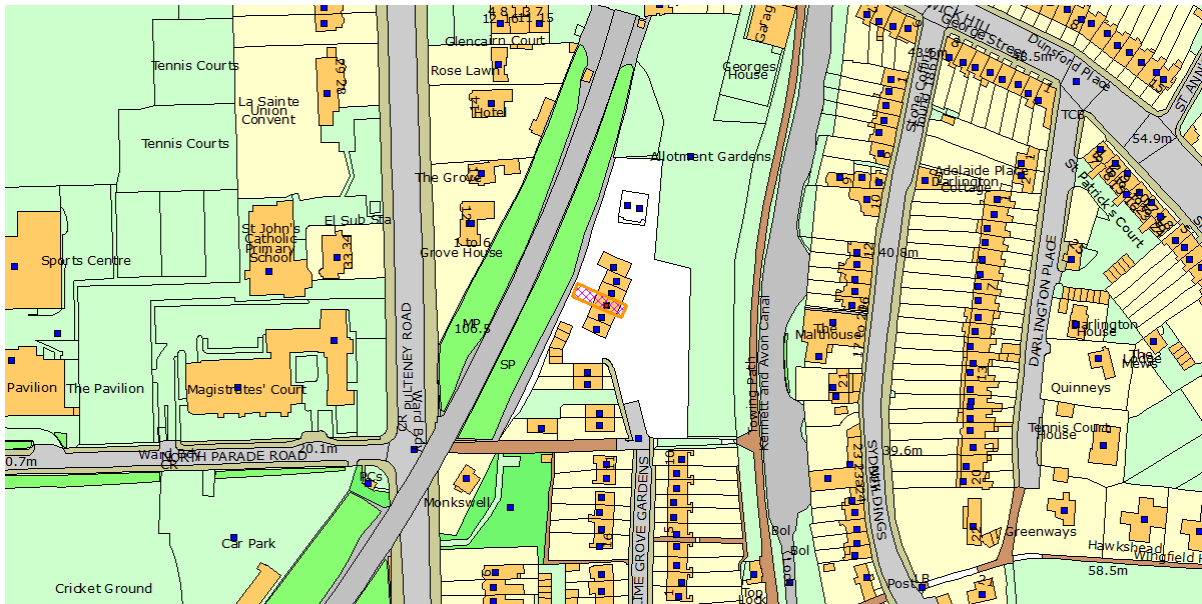
1 The proposal by reason of its design, siting, scale, massing, layout and materials forms an overly dominant addition to the principal elevation and is considered to be harmful to the character of the cottage. The proposal is contrary to Policy CP6 of the Core Strategy, Policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

PLANS LIST:

1 This decision relates to the following plans:

Site location plan- 001
Existing block plan- 002
Existing site plan- 004A
Existing ground floor plan- 005
Existing first floor plan- 006A
Existing front and rear elevations- 007A
Existing side elevations- 008A
Proposed block plan- 010B
Proposed site plan- 11C
Proposed ground floor plan- 13D
Proposed first floor plan- 14D
Proposed front and rear elevations- 15D
Proposed side elevations- 16D

Item No: 02
Application No: 23/01759/FUL
Site Location: 8 Rennie Close Bathwick Bath Bath And North East Somerset BA2 4GZ



Ward: Widcombe And Lyncombe **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Alison Born Councillor Deborah Collins

Application Type: Full Application

Proposal: Erection of a ground floor extension to the rear and installation of 1 no. roof light.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Ecological Networks Policy NE5, NRN Wetland Strategic Network Policy NE5, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs Tim & Karen Kidd

Expiry Date: 25th August 2023

Case Officer: Christine Moorfield

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

REPORT

This application was called to committee by Cllrs Deborah Collins and Cllr Alison Born.

The Chair and Vice Chair of the Planning Committee both agreed the application should be considered by Committee.

The Chair, Cllr Hounsell noted the concerns of neighbours and the ward councillors whom raise material planning considerations. Although these matters are addressed by the case-officer, to be transparent and fair to all parties all the relevant planning issues should be debated in public and determined at the committee.

This application is for the erection of a ground floor extension to the rear and installation of 1 no. roof light.

The site is within the Conservation Area and the Bath World Heritage Sites.

PLANNING HISTORY

- o DC - 11/02928/FUL - RF - 19 October 2011 - Erection of 18no. dwellings with associated parking and landscaping following demolition of existing school buildings
- o DC - 11/02929/CA - CON - 15 September 2011 - Demolition of existing school buildings
- o DC - 12/00980/FUL - PERMIT - 14 June 2012 - Erection of 13no. dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission).
- o DC - 12/02900/COND - SPLIT - 26 September 2012 - Discharge of conditions 1, 2, 3, 4, 5, 6, 7,8, 9, 10, 11,12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of application 12/00980/FUL (Erection of 13no.dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission))
- o DC - 12/04846/COND - SPLIT - 28 January 2013 - Discharge of conditions 12, 13 and 19 of application12/00980/FUL (Erection of 13no. dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission).
- o DC - 12/04945/COND - RF - 4 February 2013 - Discharge of conditions 7 and 15 of application 12/00980/FUL (Erection of 13 no. dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission)
- o DC - 13/01039/COND - DISCHG - 1 May 2013 - Discharge of conditions 6, 7, 12 and 15 of application 12/00980/FUL (Erection of 13no. dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission))
- o DC - 13/01971/COND - DISCHG - 17 June 2013 - Discharge of condition 11 of application number 12/00980/FUL (Erection of 13no. dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Deborah Collins & Alison Born Councillors for Widcombe & Lyncombe Ward:

As ward councillors, we object to this planning application and request that, if planning officers are minded to

approve it, that the application should be referred to Planning Committee.

Although this is hard to judge from the plans, the extension's height and depth would have an overbearing impact

on the neighbours' properties which seems to constitute over development, especially as the extension appears to

extend to the party wall on both sides. We are also concerned about the over shadowing and loss to light to no 9

Rennie Close. We consider that a site visit is needed to assess this application properly.

In addition, we have concerns about the practicality of using the remaining very small garden as a soakaway.

4 letters of objection have been received, the main issues raised are as follows:

- o Size of the proposed extension is too large in this terrace.
- o The proposal by reason of its design, siting, scale, massing and layout is unacceptable as it fails to contribute and respond to the local context neither does it maintain the character and appearance of the surrounding area.
- o The proposed extension will have an overbearing impact on the residents of number 7 and number 9 resulting in loss of view and sunlight.
- o The footprint, design and bulk are considered too big and harmful to the character of the host dwelling, in this part of the World Heritage Site (WHS) and conservation area (CA).
- o Drainage- there is no indication as to where it will discharge its water, there are no surface water drains running at the back of the houses. Is there space left in the remaining garden for a sufficiently large soakaway.
- o A SVP 'chased into the party wall' between 8 and 9. there may be a SVP next to number 7. The sound insulation must be acceptable.
- o Foundations-The building of the extension will involve considerable excavation. The land may be contaminated.
- o User/Parking-Converting what is a small four-bedroom house into a larger property may attract holiday letting with all the potential disruption that comes with that.
- o Inevitably the significant increase in size/potential occupancy of the property will lead to an increase in vehicles on an estate where there is limited parking.
- o Additional parking may create a highway safety issue.
- o The site should be visited.
- o The proposal fails to comply with policy CP6 of the adopted Core Strategy (2014) and policies B4, HE1, D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF

HIGHWAYS

No highway comments are made in respect of this proposal.

DRAINAGE

No objection - drainage to comply with Building Regulations Approved Document Part H

POLICIES/LEGISLATION

Planning policies, legislation & other information relevant to your proposal

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
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

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
D8: Lighting
NE3: Sites, species, and habitats
NE3a: Biodiversity net gain
NE5: Ecological networks
NE6: Trees and woodland conservation
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

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

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 in respect of these proposals are as follows:

- The principle of the development
- The Design and Impact on the Conservation Area and the Bath World Heritage Site.
- Impact on amenity
- Highways

Other matters.

The principle of the development

The property is within a terrace of properties. The site is within the built up area of Bath where, in principle, extensions and alterations to residential properties within their curtilage is considered acceptable subject to other development plan policies.

The Design and Impact on the Conservation Area and the Bath World Heritage Site.

The flat roofed extension at the back of the house is modest in its proportions extending 3.8m from the rear wall adjacent to number 7. The roof is flat with a roof light adjacent to the rear elevation of the property. There are bi-fold doors into the garden. Adjacent to the boundary with number 9 the extension extends by 2.7m and has a glazed element that has been angled at 45 degrees to reduce the impact of the extension on the adjoining property to the north (number 9). Number 7, the property to the south, has an extension which is smaller than the one proposed by this application. This proposal extends out by 1.2m further into the garden than the extension to number 7.

The height of the extension has been kept low due to it having a flat roof the maximum height is 3.09m.

The proposed development is all shown to be constructed within the applicant's site. The extension will be constructed of Bath stone to match the main house.

A roof light is proposed to be located within the roof; this is a relatively small element and is considered to have a minimal impact on the appearance of the dwelling.

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.

The proposals by reason of their design, siting, scale, massing, layout and materials are considered acceptable and to contribute and respond to the local context and maintain 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.

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. 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. The rear extension and roof light by virtue of their design, scale, massing, position and external materials are considered to at least preserve the character and appearance of this part of the Conservation Area and its setting. The extension and roof light accord with Policy CP6 of the Core Strategy and policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

The proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites. In this instance, due to the size, location and appearance of the proposed rear extension and roof light, it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with Policy B4 of the Core Strategy and policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

Impact on 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.

As stated above the single storey flat roofed extension is modest in its scale. It is recognised that this terrace of properties have relatively small gardens but this in itself would not justify refusal of this application.

As stated above the flat roofed extension extends by 3.8m from the rear wall adjacent to number 7 thereby extending 1.2m further into the garden than the existing extension to number 7. The extension is on the north side of number 7 and therefore the impact on light is considered minimal. Adjacent to the boundary with number 9 the extension extends by 2.7m and has a glazed element that has been angled at 45 degrees and then extends to the 3.8m. The 45 degree angle has been designed to reduce the impact of the extension on the adjoining property to the north (number 9).

The height of the extension has been kept low due to it having a flat roof the maximum height is 3.09m.

Internal alterations and the location of soil pipes are a matter for building regulations.

Given the design, scale, massing and siting of the proposed development the proposal is not considered to cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

Highways

No objection or comment has been made by the Highway Engineer in respect of these modest proposals.

The means of access and parking arrangements remain as existing and 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 (2023), and part 9 of the NPPF.

Drainage

No objection to the proposal has been raised by the drainage engineer but an advice with regard to compliance with Building Regulations is considered necessary.

Contamination

Residents have raised concerns re the land which they think is made up so there may be contamination. An advice note in respect of taking any precautions if necessary is considered appropriate.

Trees

There are some trees at a distance from the site on the railway embankment. Given the distance the proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Local Plan Partial Update and part 15 of the NPPF.

Low Carbon and Sustainable Credentials.

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

1 0.001, 2, 3, 4, 5, 6, 7, 8, 9 and 010, 011 and 1.002.

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 have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

4 Civil or legal consents

This permission does not convey or imply any civil or legal consents required to undertake the works.

5 Responding to Climate Change (Informative):

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

6 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.

7 Inform the applicant that this area may be made up ground/contaminated land and therefore, the necessary pre development site investigation needs to be completed to ensure satisfactory/safe development can be carried out.

8 The applicant is advised that all drainage must comply with Building Regulations Approved Document Part H

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	23rd August 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	

AGENDA ITEM NUMBER

APPEALS LODGED

App. Ref: 23/01197/AR
Location: Management Suite 12 Southgate Street City Centre Bath Bath And North East Somerset
Proposal: Display of 1no. externally illuminated fascia sign and 1no non-illuminated projecting sign.
Decision: REFUSE
Decision Date: 18 May 2023
Decision Level: Delegated
Appeal Lodged: 26 July 2023

App. Ref: 22/03581/CLPU
Location: Leigh Cottage Sharpstone Lane Freshford Bath Bath And North East Somerset
Proposal: Erection of outbuilding and alterations to existing fenestration (Certificate of Lawfulness for a Proposed Development).
Decision: Split decision - check file/certificate
Decision Date: 3 March 2023
Decision Level: Delegated
Appeal Lodged: 27 July 2023

App. Ref: 22/05179/FUL
Location: Three Ways Station Road Clutton Bristol Bath And North East Somerset
Proposal: Construction of hardstanding (Resubmission).
Decision: REFUSE
Decision Date: 20 April 2023
Decision Level: Delegated
Appeal Lodged: 28 July 2023

App. Ref: 22/03301/FUL
Location: 36B St John's Road Bathwick Bath Bath And North East Somerset BA2 6PX
Proposal: Erection of vertical extension to existing office accommodation to create an additional storey, including incidental works of demolition (Resubmission).
Decision: REFUSE
Decision Date: 14 December 2022
Decision Level: Delegated
Appeal Lodged: 1 August 2023

APPEALS DECIDED

App. Ref: 22/01129/PIP
Location: The Magpies Mill Road Radstock Bath And North East Somerset BA3 3PX
Proposal: Erection of three dwellings and associated development.
Decision: REFUSE
Decision Date: 4 October 2022
Decision Level: Delegated
Appeal Lodged: 3 April 2023
Appeal Decision: Appeal Allowed
Appeal Decided Date: 13 July 2023

App. Ref: 22/03099/FUL
Location: Aviemore Fosseway Westfield Radstock Bath And North East Somerset
Proposal: Proposed residential development of 7no. new dwellings with garages and associated parking spaces with adapted highway access, and alteration of the existing dwelling at Aviemore.
Decision: REFUSE
Decision Date: 22 December 2022
Decision Level: Delegated
Appeal Lodged: 3 April 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 25 July 2023

App. Ref: 22/02007/FUL
Location: Chelwood Farm House Main Road Chelwood Bristol Bath And North East Somerset
Proposal: Erection of a single-storey extension following removal of existing conservatory.
Decision: REFUSE
Decision Date: 28 October 2022
Decision Level: Delegated
Appeal Lodged: 11 May 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 1 August 2023

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