

Planning Committee

Date: Wednesday, 8th May, 2024
Time: 11.00 am
Venue: Brunswick Room - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

Councillors:- Ian Halsall, Paul Crossley, Fiona Gourley, Lucy Hodge, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson, Tim Warren CBE and Vacancy

Permanent Substitutes:- Councillors: Ruth Malloy

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



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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 specific scheme for the public to make representations at Planning Committee meetings.

Advance notice is required by the close of business (5.00pm) two days before a committee. 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>

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Additional information and Protocols and procedures relating to meetings

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

Planning Committee- Wednesday, 8th May, 2024

at 11.00 am in the Brunswick Room - Guildhall, Bath

A G E N D A

1. ELECTION OF CHAIR

To elect a Chair of the Planning Committee.

2. ELECTION OF VICE-CHAIR

To elect a Vice-Chair of the Planning Committee.

3. EMERGENCY EVACUATION PROCEDURE

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

4. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

5. 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.

6. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

7. ITEMS FROM THE PUBLIC

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.

8. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 14)

To confirm the minutes of the meeting held on Wednesday 10 April 2024 as a correct record for signing by the Chair.

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

There were no site visit applications for determination.

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 15 - 140)

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

1. 20/04965/ERES Bath Quays North Development Site, Avon Street, Bath
2. 23/04747/FUL Lower Shockerwick Farm, Shockerwick Farm Lane, Bathford
3. 23/04747/FUL & 23/04748/LBA Lower Shockerwick Farm, Shockerwick Farm Lane, Bathford

The following items will be considered in the afternoon session starting at 2pm:

4. 23/04190/REG03 Land To Rear Of Danes Court, Dane's Lane, Keynsham
5. 23/04380/FUL1 Bath Road, Peasedown St John, Bath
6. 24/00163/FUL19 Alexandra Road, Lyncombe, Bath

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 141 - 146)

The Committee is asked to note the report.

12. QUARTERLY PERFORMANCE REPORT 1 JAN - 31 MAR 2024 (Pages 147 - 156)

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, 10th April, 2024, 11.00 am

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

103 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

104 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence had been received from Cllr Toby Simon. Cllr Ruth Malloy was in attendance as substitute.

105 DECLARATIONS OF INTEREST

It was noted that Cllr Fiona Gourley would withdraw from the Committee for consideration of items (4) 24/00196/LBA - 31 James Street West, City Centre, Bath and (5) 22/02169/EOUT – Parcel 4234, Combe Hay Lane, Combe Hay, Bath and address the Committee during consideration of item (5) as ward Councillor.

Cllr Hal MacFie declared an interest in item (4) 24/00196/LBA - 31 James Street West, City Centre, Bath and withdrew from the meeting during consideration of this item.

Cllr Paul Crossley declared an interest in item (5) 22/02169/EOUT – Parcel 4234, Combe Hay Lane, Combe Hay, Bath as a Council representative on Cotswolds AONB Conservation Board. He stated that he had reconsidered his position since the previous meeting where the application was discussed and decided that he should withdraw from the meeting during consideration of the item.

Cllr Lucy Hodge stated that item (1) 23/03610/FUL - 9 Van Diemen's Lane, Lansdown, Bath was in her ward but did not declare an interest and participated in the debate on that item.

106 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

107 ITEMS FROM THE PUBLIC

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.

108 **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 13 March 2024 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

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

The Committee considered:

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

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

(1) **23/03610/FUL - 9 Van Diemen's Lane, Lansdown, Bath**

The Planning Case Officer introduced the report which considered an application for engineering and landscaping works to the rear garden of a 2-storey detached property to provide multiple levels, including the use of gabion retaining walls.

He gave a verbal update to confirm it was a retrospective application and the fifth paragraph under the title of "Residential Amenity" in the report had been included in error as the vegetation mentioned had been removed.

He confirmed the officers' recommendation that permission be refused for the reasons set out in the report.

The following public representations were received:

1. Nick Ruxton objecting to the application.
2. Richard Hayes, supporting the application.

Cllr Mark Elliott, local member, was unable to attend and asked for a statement to be read out in his absence summarised as follows:

1. He supported the officer's recommendation to refuse the application.
2. The garden was visible from the surrounding countryside and there would be an impact of the gabion wall on the green belt and Area of Outstanding Natural Beauty (AONB).
3. There would also be a detrimental impact on the residential amenity of the residents of a neighbouring property.

In response to Members' questions, it was confirmed:

1. A part of the garden was in the green belt and AONB. There were no very exceptional circumstances put forward to justify development in the green belt.
2. Officers were not aware of any problems relating to subsidence at the site.
3. The plans showed that the height of the gabion wall would remain at the existing height.
4. The land beyond the gabion wall was not in the ownership of the applicant and therefore it would not be possible to add a landscaping condition in relation to this land. Any planting would need to be in the boundary of the application site.
5. The retention of the hedgerow had been conditioned by a previous application but as it was outside the ownership of the applicant, this was not enforceable.
6. The garden level would be higher as a result of the development. The site was particularly visible when compared with other nearby properties.

Cllr Lucy Hodge opened the debate as Ward Councillor. She stated that she agreed with the officer recommendation to refuse the application on the grounds of the impact on the AONB and green belt, but also suggested there were further reasons for refusal as the application would have a detrimental impact on the neighbouring property due to overlooking and a further impact on ecology as a result of the removal of the hedgerow. The Case Officer advised that the ecological reason for refusal was not appropriate due to the hedgerow being outside the boundaries of the application site. Cllr Lucy Hodge moved that the application be refused due to the reasons set out in the report and an additional reason relating to the detrimental impact on the neighbouring property due to overlooking. This was seconded by Cllr Ian Halsall.

Cllr Tim Warren stated that he was not convinced that the application would result in harm to the green belt and AONB and did not support the motion.

Cllr Paul Crossley spoke in support of the motion in view of the obligation of the Council to protect the green belt.

On being put to the vote the motion was CARRIED (9 in favour, 0 against, 1 abstention)

RESOLVED that the application be refused for the reasons set out in the report relating to the harm to the green belt and Area of Outstanding Natural Beauty and an additional reason that the development would have a detrimental impact on residential amenity due to overlooking of the neighbouring property.

(2) 23/04499/FUL - 88 Whiteway Road, Whiteway, Bath

The Planning Case Officer introduced the report which considered an application for the demolition of an existing dwelling and erection of 2 semi-detached 3-bedroom dwellings. He confirmed the officer's recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Matthew Turner objecting to the application.
2. Holly Wilding, applicant, supporting the application.

In response to Members' questions, it was confirmed:

1. It had been recognised that the existing wall was an important feature of the street scene and a low boundary wall would be retained as part of the development.
2. The design had been amended to minimise impact to the neighbouring property in terms of loss of light. The roof dormers would not cause unacceptable harm in terms of overlooking neighbouring properties.
3. The maximum height of the development would be taller than neighbouring properties but the eaves were lower. The height range was similar to surrounding houses.
4. An electric charging point was a building regulations issue. The proposed parking spaces were a standard size and there was no policy requirement for visitor parking.

Cllr Paul Crossley opened the debate as Ward Councillor. He expressed the view that the application constituted overdevelopment of a small site and proposed that the application be refused. Cllr Eleanor Jackson seconded the motion and stated that there would be a loss of amenity to neighbouring properties. She also expressed concern at the loss of a bungalow although it was noted that there was no Council policy that bungalows should be preserved.

Cllr Ian Halsall spoke in support of the application, stating that it was an eco-friendly design and a good use of the land.

Cllr Tim Warren also spoke in support of the application and noted the benefit in creating an additional home.,

Cllr Fiona Gourley stated that the design reflected the opposite terrace of houses, and she would also support the application.

On being put to the vote the motion was NOT CARRIED (2 in favour, 8 against)

Cllr Lucy Hodge stated that she would support the application subject to the boundary wall being a "cock and hen" style in keeping with the character of the area and the wall being retained for the lifetime of the development. She therefore proposed that officers be delegated to permit the application subject to additional conditions relating to the design and retention of the wall. This was seconded by Cllr Ian Halsall.

On being put to the vote the motion was CARRIED (8 in favour, 2 against)

RESOLVED that officers be given delegated authority to permit the application subject to the conditions set out in the report and additional conditions to secure the design of the wall in keeping with the character of the local area and the retention of the wall for the lifetime of the development.

(3) 23/03554/FUL - Greenways, Stoneage Lane, Tunley, Bath

The Planning Case Officer introduced the report which considered an application for a 2-storey dwelling to replace an existing bungalow.

He gave a verbal update to confirm that the word "not" was missing from the last

paragraph relating to principle of development in the green belt and so it should read "As such, these measures are not Very Special Circumstances."

He confirmed the officers' recommendation that permission be refused for the reason set out in the report that the proposal would result in inappropriate development in the green belt.

The following public representations were received:

1. Alex Manning supporting the application.

Cllr Matt McCabe was in attendance to speak as ward Councillor and he also reported the comments of the Parish Council as follows:

1. There was strong support for the application from the Parish Council and local neighbours who agreed it would be an improvement to demolish a poorly built, ageing bungalow and replace it with an improved dwelling which would be a better design and more energy efficient. There was a fall-back position as a result of the Certificate of Lawfulness and it was the view of the Parish Council that the proposal was an improvement to the fall-back position.
2. He supported the view of the Parish Council and local residents in supporting the application and took the view that a 23% increase did not constitute a material larger property and that any harm to the openness of the green belt was minimal. The proposed building would be built to a high standard.

He asked the Committee to permit the development.

In response to Members' questions, it was confirmed:

1. The officer's conclusion was that the proposal had a greater impact on the green belt than the fall-back position in terms of the openness of the green belt. The increase in height and massing was more visual and prominent when viewed from the main road.
2. The proposal was 23% larger than the original building.
3. The Certificate of Lawfulness was not a test of acceptability in planning terms.

Cllr Fiona Gourley opened the debate as ward Councillor and confirmed that the Parish Council and neighbours supported the application. She stated her view that the scheme was an improvement on the existing and fallback position and made a better use of space and she did not consider there was an impact on the openness of the green belt as it was surrounded by other properties. She proposed that the application be permitted for these reasons. This was seconded by Cllr Shaun Hughes.

Cllr Ian Halsall spoke in support of the motion and stated the benefit of a new dwelling which would be eco efficient.

Cllr Paul Crossley spoke in support of the motion but made a general comment about whether there should be a policy relating to the retention of bungalows to allow for a mix of housing within Bath and North East Somerset.

Cllr Eleanor Jackson also suggested it would be useful for the committee to have training on Certificates of Lawful Use.

On being put to the vote the motion was CARRIED (10 in favour, 0 against)

RESOLVED that the application be permitted subject to suitable conditions for the following reason:

The development was considered to be appropriate in the green belt, it was surrounded by other properties and would not cause substantial harm to the openness of the green belt.

(4) 24/00196/LBA - 31 James Street West, City Centre, Bath

Cllr Hal MacFie withdrew from the meeting during the consideration of this item.

Cllr Fiona Gourley withdrew as a member of the Committee for the remainder of the meeting.

The Planning Case Officer introduced the report which considered a listed building application for replacement lead gutter, roofing felt and battens. She confirmed the officer's recommendation that the consent be granted subject to the conditions set out in the report.

There were no public speakers in relation to the application.

Cllr Tim Warren moved the officer recommendation that consent be granted. This was seconded by Cllr Eleanor Jackson.

On being put to the vote the motion was CARRIED (7 in favour, 0 against and 1 abstention)

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

(5) 22/02169/EOUT – Parcel 4234, Combe Hay Lane, Combe Hay, Bath

The Planning Case Officer introduced the report which considered a hybrid application as follows:

1. An outline application for Phases 3 and 4 for up to 290 dwellings; landscaping; drainage; open space; allotments; footpaths and emergency access; all matters reserved, except access from Combe Hay Lane via the approved Phase 1 spine road.
2. Detailed application for the continuation of the spine road (from Phase 1), to and through Sulis Manor and associated works comprising: the demolition of existing dilapidated buildings and tree removal; drainage; landscaping; lighting; boundary treatment; and the erection of 4 x Bat Night Roosts; to enable construction of the spine road; with the ecologic mitigation on Derrymans and the field known as 30Acres.

He gave a verbal update to confirm:

1. There had been a further letter from Combe Hay and South Stoke Parish Councils in relation to the update report.
2. There had been changes in national policy since the November meeting including duty under section 85 of the Countryside and Rights of Way Act 2000 to seek to further the purposes of the Area of Outstanding Natural Beauty (AONB) and a new version of the National Planning Policy Framework (NPPF).

He confirmed that the updates did not change the recommendations of officers.

He drew attention to issues raised in relation to the application and responded as follows:

1. Number of dwellings for both phases was 461 which was higher than the 300 allocation – the figure of 300 in the Core Strategy was not a cap, the number could be greater if the placemaking principles of the allocation could be met.
2. The Masterplan was not comprehensive – the masterplan did cover the full extent of the allocation with sufficient level of detail of what was proposed.
3. The allocation was for mixed use and the application was for residential - the requirement for mixed and community use covered the whole allocation and there were other uses outside of this application.
4. Highways impact – further assessments had been undertaken since the last meeting by the applicant and third parties. The applicant's assessment demonstrated there had not been a significant change since the previous assessment. The third party assessment showed an increase in cars queueing for an additional 2 minutes on the park and ride roundabout during the morning peak time as a result of the use of pedestrian crossing during this time. The evidence from drone footage and traffic surveys had been analysed by officers and there was not found to be sufficient evidence of rat running. The policy test as set out in paragraph 115 of the National Planning Policy Framework was that impact needed to be severe, and there was guidance and case law to demonstrate that driver queueing was not in itself a reason, there had to be a consequence of the queueing such as impact on emergency vehicles/public transport network. The view of officers was that there would not be a severe impact.
5. Loss of trees due to the spine road – there would be a loss of trees and this was regrettable. Other options to access the site were not considered to be viable. The impact on trees was minimalised and there would be replacement planting. A large number of the trees were Ash and would need to be replaced with or without the development due to Ash dieback disease.
6. AONB exceptional circumstances were not met – officers considered there to be exceptional circumstances due to the housing need. This was found to be the case in 2014 when the site was originally allocated, and the allocation was brought forward as part of the Local Plan Partial Update (LPPU) and so it was an up-to-date allocation.
7. Brownfield sites should be used for development before greenfield sites – there was no requirement to deliver on brownfield sites first, both greenfield and brownfield sites were required to deliver on housing needs, including affordable housing. Brownfield sites were often more difficult to deliver affordable housing.
8. Affordable housing. The scheme consisted of 40% affordable housing.
9. Wansdyke Crossing/alternative route. Scheduled monument consent was outside the control of the Council and applicant. The applicant was required to use reasonable endeavours to secure this, and consent had now been granted for an archaeological investigation.

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

- (1) Authorising the Head of Legal and Democratic Services to enter into a Section 106 Agreement to cover the heads of terms detailed within the report.
- (2) the conditions set out in the report (or such conditions as may be

appropriate).

Cllr Paul Crossley withdrew from the meeting at this point.

The following public representations were received:

1. Malcolm Austwick, Combe Hay Parish Council objecting to the application.
2. Paul Beazley-Long, South Stoke Parish Council objecting to the application.
3. Dr Ned Garnett (South of Bath Alliance) and Alex Sherman (Bath Preservation Trust) objecting to the application.
4. Peter Frampton, Frampton Town Planning, supporting the application.

Cllr Joel Hirst addressed the Committee as adjacent ward member and raised the following issues:

1. The report overstated the benefits and understated the harms of the proposed development.
2. The Cotswold AONB had taken the view that exceptional circumstances had not been demonstrated.
3. The site was not mixed use and residents would be isolated with no community facilities.
4. There was a lot of local concern about traffic issues including rat running and driver behaviour near roundabouts.
5. The development would cause harm to Sulis Manor.
6. Too little had been done to secure the Wansdyke Crossing.
7. 40% affordable housing should not be the reason to outweigh the harm of developing in the AONB.

He asked the Committee to refuse the application.

Cllr Fiona Gourley addressed the Committee as ward Councillor and raised the following issues:

1. There had been an increase in the number of dwellings compared with the original allocation – what were the exceptional circumstances to justify this increase?
2. Although affordable homes were important, there was a history of developers not fulfilling this commitment. This could not be considered an exceptional circumstance.
3. There was a new statutory duty in relation to the AONB. The development risked the AONB status of the plateau.
4. The ecological mitigations were not enough.
5. Progress was slow in securing the Wansdyke crossing.
6. The loss of public transport meant that more people were dependent on using cars to access Bath. The additional traffic from 460 homes would have an impact and there were not enough developer contributions for traffic mitigations.

She urged the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. The 2014 allocation was still valid as the allocation had been brought forward as part of the LPPU. The LPPU would have been an opportunity to review this allocation, but that did not happen and so it was part of the up-to-date development plan. Therefore, the principle of development on the site was established and should be given considerable weight.
2. B&NES currently had a 6.14 year supply of housing, and while that was good,

- there was no room for complacency. The new NPPF still required local authorities to meet the housing delivery test.
3. Only very limited weight could be given to the new Local Plan options document as the number of homes had not yet been set and the options set out may not come to fruition.
 4. The number of houses was in the acceptable policy range for density.
 5. It was not possible to confirm if the target of affordable housing could be met if this development did not go ahead but the Housing Team was satisfied with the rate of delivery of affordable housing as part of phase 1 of the development and supported this application.
 6. There was no allocation for the agricultural land, and this was still located within the green belt.
 7. The spine road would still be required even if the development was for 129 homes as it was the only feasible access.
 8. In terms of impact on highways the term “severe” was not defined within the NPPF but there was case law which established that delays/traffic queueing did not equate to a “severe” impact, there needed to be a consequence such as a diversion, impact on other junctions and gridlock, delays to emergency vehicles or public transport and risk to safety.
 9. Combe Hay Lane had been examined in detail in terms of rat running as this was the particular area of concern raised by objectors.
 10. The VISSIM model had not been used as it was 10 years old, pre-Covid and the range of assumptions had now been superseded.
 11. No objections had been received from Avon and Somerset Police or the Fire and Rescue Service.
 12. The number of vehicle trips from the phase 1 development was 23% lower than expected.
 13. In terms of mixed developments, the policy was not specific on what should be included. It was not in the developer’s gift to provide a shop on site.
 14. The site was within walking distance from a number of schools, a supermarket and the Park and Ride bus service.
 15. Wansdyke monument consent was outside the control of the Council and applicant, and it was not possible to comment on timescales in securing consent.

Cllr Shaun Hughes stated that while there were positives about the development including the 40% affordable housing and the relatively sustainable location, there were also concerns including the number of proposed dwellings and the lack of community space and facilities. Cllr Tim Warren concurred with this view.

Cllr Ian Halsall stated that while it was an allocated site, he was concerned about the harm to the AONB and that the density of housing without community facilities could lead to social isolation. He expressed the view that employment benefits would be short term and that the Council could deliver affordable housing without the scheme.

Cllr Lucy Hodge expressed concern that there was not the right infrastructure to make it a sustainable place to live and stated that the application was not compliant with placemaking principles P1 and P7. Cllr Eleanor Jackson agreed and raised further concerns about the loss of trees.

Cllr Duncan Hounsell stated the land had been allocated for housing in 2014 and this had remained in the LPPU and that advice from officers was that the highway

implications would not be severe. He stated that it was a sustainable development and that the benefits would outweigh the harm.

Cllr Ruth Malloy questioned whether the shared pathway across the Wansdyke was achievable. She also expressed concerns about the harm to the Bath World Heritage site and Great Spa Towns of Europe Heritage site and Sulis Manor non designated heritage asset.

Cllr Tim Warren moved that the application be refused for the reasons outlined by Members relating to harm to AONB, impact on World Heritage/Great Spa Towns or Europe/Sulis Manor, lack of mixed facilities and uncertainty of securing the Wansdyke Crossing to ensure a sustainable development and the loss of trees. This was seconded by Cllr Lucy Hodge.

On being put to the vote the motion was CARRIED (7 in favour, 1 against)

RESOLVED that the application be refused for the following reasons:

1. AONB – the proposal represented a major development in the Cotswolds Area of Outstanding Natural Beauty and exceptional circumstances had not been demonstrated. There would be an adverse impact of the AONB which had not been avoided or minimised.
2. Heritage - the proposal would harm the Outstanding Universal Values of the City of Bath World Heritage Site and Great Spa Towns of Europe Heritage site as well as the Sulis Manor non-designated heritage asset.
3. Placemaking Principles – Sustainable community – due to the lack of Scheduled Monument Consent for a shared use crossing of the Wansdyke monument, the proposed development failed to provide an active travel link and the failure to provide a mix of uses would not create a sustainable community.
4. Trees and woodland - the proposed development would adversely impact on a large number of trees with significant value.

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

The Committee considered the appeals report.

RESOLVED that the report be noted.

The meeting ended at 5.41 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	8th May 2024
RESPONSIBLE OFFICER:	Gary Collins – 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.

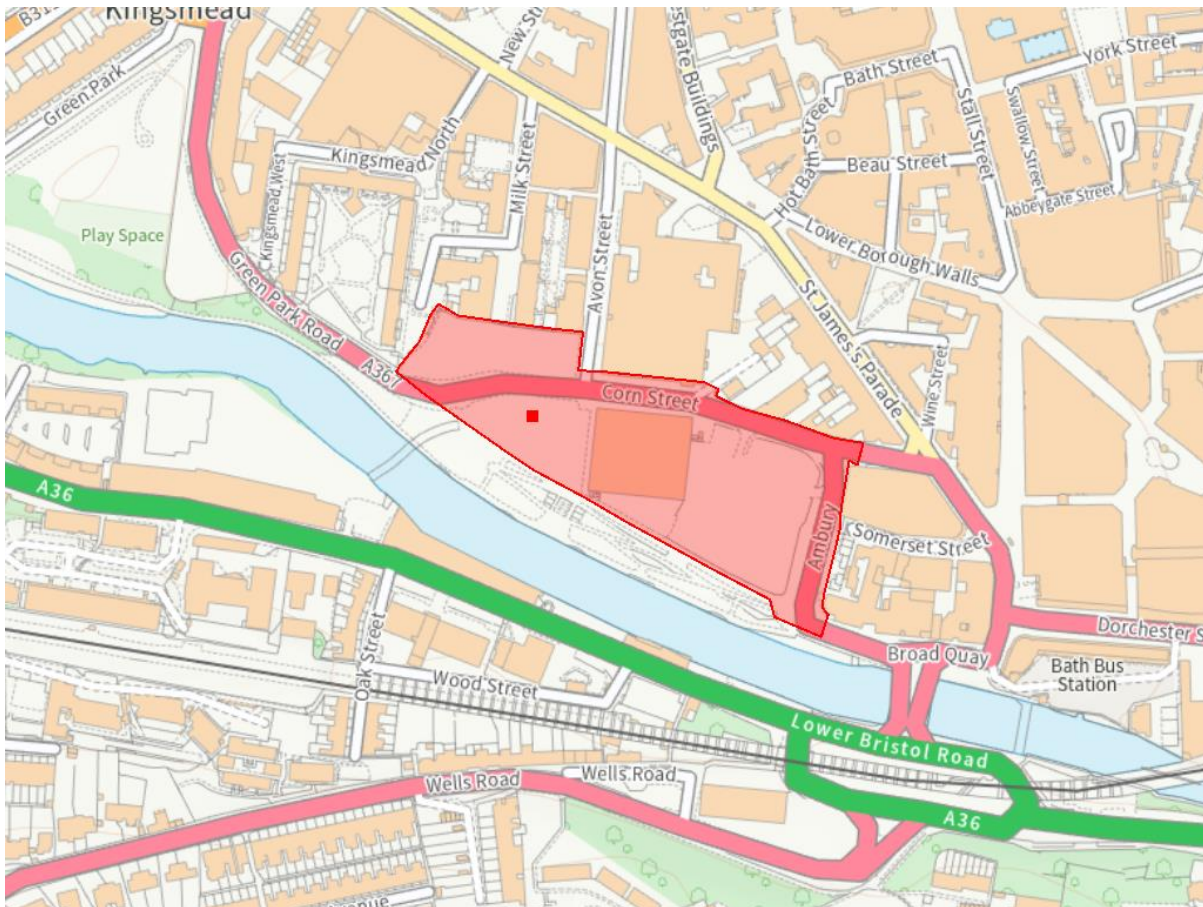
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	20/04965/ERES 30 September 2022	BQN Ltd Bath Quays North Development Site, Avon Street, City Centre, Bath, Bath And North East Somerset Approval of Reserved Matters for Plots 1-5 (Access, Appearance, Landscaping, Layout and Scale) of development permitted by 20/02787/VAR (Variation of Condition 42, approved drawings, development specification and design codes of application ref. 18/00058/EREG03 Outline planning application for comprehensive mixed- use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi- storey car park and amenity building).	Kingsmead	Gwilym Jones	PERMIT
02	23/04747/FUL 15 March 2024	Mr Jamie Feilden Lower Shockerwick Farm , Shockerwick Farm Lane, Bathford, Bath, Bath And North East Somerset Change of use of farmhouse and garage Use Class C3 to residential agritherapy centre (Use Class C2). Farmhouse as weekend holiday let. Erection of extension to farmhouse and internal alterations. Internal alterations to The Stable remaining as a single use dwelling. Conversion of garage into a staff office. Replace existing windows. External works and creation of car park.	Bathavon North	Christine Moorfield	REFUSE

03	23/04748/LBA 15 March 2024	Mr Jamie Feilden Lower Shockerwick Farm , Shockerwick Farm Lane, Bathford, Bath, Bath And North East Somerset Change of use of farmhouse and garage Use Class C3 to residential agritherapy centre (Use Class C2). Farmhouse as weekend holiday let. Erection of extension to farmhouse and internal alterations. Internal alterations to The Stable remaining as a single use dwelling. Conversion of garage into a staff office. Replace existing windows. External works and creation of car park.	Bathavon North	Christine Moorfield	REFUSE
04	23/04190/REG03 9 May 2024	BANES Council Land To Rear Of Danes Court, Dane's Lane, Keynsham, Bath And North East Somerset, Erection of 10 No. affordable apartments (Class C3) and associated access, drainage and landscaping works	Keynsham North	Samantha Mason	PERMIT
05	23/04380/FUL 8 March 2024	Hudson & Co Unique Developments Ltd 1 Bath Road, Peasedown St John, Bath, Bath And North East Somerset, BA2 8DX Change of use of land to residential curtilage and erection of a 3 bed dwelling and associated garaging, bike and bin store	Peasedown	Danielle Milsom	PERMIT
06	24/00163/FUL 11 March 2024	Mr Michael Donnelly 19 Alexandra Road, Lyncombe, Bath, Bath And North East Somerset, BA2 4PW Erection of rear side return infill extension and loft conversion, including the addition of external insulated render to the rear elevation.	Widcombe And Lyncombe	Kirsty Pratt	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 20/04965/ERES
Site Location: Bath Quays North Development Site Avon Street City Centre Bath
Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Paul Roper Councillor George Tomlin
Application Type: Reserved Matters App with an EIA
Proposal: Approval of Reserved Matters for Plots 1-5 (Access, Appearance, Landscaping, Layout and Scale) of development permitted by 20/02787/VAR (Variation of Condition 42, approved drawings, development specification and design codes of application ref. 18/00058/EREG03 Outline planning application for comprehensive mixed-use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi-storey car park and amenity building).
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Area, Policy B2 Bath Central Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Contaminated Land, Policy CP12

Bath City Centre, Policy CP9 Affordable Housing, District Heating Priority Area, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Ecological Networks Policy NE5, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: BQN Ltd
Expiry Date: 30th September 2022
Case Officer: Gwilym Jones

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

REPORT

APPLICATION SITE

This reserved matters application relates to Phase 1 of the Bath Quays North site, currently occupied by Avon Street car park and an adjacent vacant plot. The application site is bounded by Corn Street to the north, the existing riverside park and River Avon to the south and Ambury to the east and makes up the majority of the Bath Quays North development. The balance of the Bath Quays North site (Phase 2) is located on the north side of Corn Street and west of Avon Street.

To the north is the City of Bath College and the Grade II listed Mission Theatre as well as properties to the rear of St James's Parade. To the east of the site is the Grade II* Forum building. To the west is Green Park. At the western end of the site is the pedestrian/cycle bridge connecting to Bath Quays South and Lower Bristol Road.

Bath Spa railway station and bus station are approximately 400m to the east via Somerset Street and Broad Quay.

The site is located within the World Heritage Sites and Bath Conservation Area. The river corridor is designated a Site of Nature Conservation Importance (SNCI) and provides a supporting habitat for the Bath and Bradford on Avon Bat Special Area of Conservation (SAC). The site is within Flood Zone 2 and 3 and the riverside forms part of the Bath Quays Waterside Flood Defence Project works.

The site is owned by the Council who have appointed Legal and General as their development partner to bring forward the redevelopment of the site. The Applicant is BQN Ltd.

SCOPE OF THE APPLICATION

In April 2019 outline planning permission was granted (subject to conditions and a s.106 agreement) for the comprehensive redevelopment of the Bath Quays North site. The scale, height, massing and layout of the development was defined by a series of Parameter Plans, with Design Codes providing guidance for the detailed design of the development. Non-material amendments to the Parameter Plans were approved in August 2020 and minor-material amendments to the Parameter Plans and Design Codes in December 2020.

The current application is for the approval of reserved matters (details of Access, Layout, Scale, Appearance and Landscaping) for Phase 1 of the development and submitted on

the basis of the Parameter Plans, Design Codes and Design Guidance approved in December 2020. Phase 1 comprises two development parcels, split in to five plots/buildings, with a central east-west route from Ambury and two north-south routes linking the riverside with Corn Street.

The development comprises:

Class C1 hotel - 3,522m² (130 rooms)

Class C3 residential - 7,956m² (90 homes)

Class E (g) (i) office - 16,412m²

Class E (a) (b) (c) retail, financial services, food and beverage - 1,890m²

Class E (d) (e) (f) and sui generis (takeaway, drinking establishment) - 237m²

Buildings 1 and 2 at the eastern end of the site are bounded by Ambury to the east, Corn Street to the north, the riverside to the south and an internal north-south route to the west, and separated by the central east-west route. These buildings are predominately office use, with other commercial uses (retail and restaurant) at ground floor. Buildings 3 and 4 towards the centre of the site comprise a hotel fronting onto Corn Street and a residential building facing the riverside with commercial (restaurant) use at ground floor, separated by the central east-west route. Building 5 at the western end of the site is residential with commercial (restaurant) use at ground floor, bounded by Corn Street to the north and riverside to the south and facing onto a new public space where the bridge from Bath Quays South lands.

Condition 1(b) of the December 2020 outline planning permission requires that the first reserved matters application must comprise a minimum of two development plots and be submitted not later than the expiration of two years from 2nd April 2019. The current reserved matters application comprises five Plots and was submitted in December 2020 and is therefore in compliance with Condition 1(b).

A number of other Conditions specify details to be submitted with the reserved matters application. Where information has been submitted to comply with conditions as part of the current application this information is assessed under the relevant topic in this report.

Condition 3: the maximum quantum of floorspace within each development parcel

Condition 4: the minimum quantum of office floorspace to be included in the first reserved matters application

Condition 5: submission of a Reconciliation Statement to demonstrate how the reserved matters application is consistent with the permission for the overall site

Condition 6: submission of daylight and sunlight assessment to demonstrate an acceptable living environment in adjoining properties will be achieved

Condition 7: submission of micro-climate (wind) assessment to demonstrate that appropriate levels of comfort and safety for pedestrians will be achieved

Condition 13: submission of illumination/light spill details to demonstrate that specified light levels along the river will be achieved

Condition 24: specification of ground floor levels to demonstrate there will be no increase in flood risk and that the development remains safe during a flood event

Condition 25: specification of ground floor uses to demonstrate that any "more vulnerable" uses are safe during a flood event

Condition 29: details of electric charging points and car club spaces

Condition 36: minimum number of public parking spaces to be provided

Condition 37: minimum level of CO2 emission reduction

Condition 38: minimum level of biodiversity net gain

APPLICATION DOCUMENTS

The application is supported by a number of documents in accordance with national and local validation requirements. As well as relevant drawings and supporting information, this includes an Environmental Impact Assessment compliance statement and an updated viability statement.

RELEVANT PLANNING HISTORY

14/04195/ERE03 - Flood mitigation and defence works, forming part of a wider comprehensive flood/public realm scheme. Approved

14/05810/REG03 - Demolition of Avon Street Car Park, and construction of temporary surface car park. Permission granted.

18/00058/ERE03 - Comprehensive mixed use redevelopment of the Bath Quays North site comprising B1, C1, C3, A1, A3, A4, A5, D1 and D2 uses with total combined floorspace of up to 38,000sqm, infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved. Outline permission granted.

20/02660/NMA - Non-material amendments to Parameter Plans. Approved.

20/02787/VAR - Variation of Condition 42 (approved drawings, development specification and design codes of application ref.18/00058/ERE03 Outline planning application for comprehensive mixed-use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi-storey car park and amenity building). Outline permission granted.

21/04119/COND - Condition 23 (flood resilience measures). Approved

21/04120/COND - Condition 26 (finished floor levels). Approved

20/04628/COND - Condition 39 (Design Codes and Guidance). Approved

20/04897/COND - Condition 2 (Phasing Plan). Approved

20/04898/COND - Condition 22 (surface water drainage strategy). Approved

20/04899/COND - Condition 8 (Construction Management Plan). Approved (Phase 1)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England

Strong reservations raised at outline and reserved matters stage that the development fails to reflect the local character and distinctiveness of this part of Bath. In particular, the approach being taken to the roof line and the lack of architectural articulation or variation on the elevations (particularly along the riverside).

Aspects of the scheme are considered positive, in particular the reinstatement of principal and secondary routes across the site, re-establishing a sense of enclosure of street spaces and permeability back into the wider city. However, the elevational design and

lack of articulation fail to respond to the finer grain of this part of Bath and the varied history of the site. The roofscapes rely on flat roofs, terraces and set back additional stories that are alien to the historic form of the city and sit uncomfortably in key views across the World Heritage Site.

The amendments make some attempts to vary the architectural design of the riverside elevation, however question whether they successfully reflect the local character and distinctiveness of this part of Bath or to appropriately respond to the grain of the existing city in terms of achieving well designed places (that are visually attractive and sympathetic to local character and history with a strong sense of place, that optimises the potential of the site and creates a safe, inclusive and accessible environment) as required by the NPPF, as well as making a positive contribution to local character and distinctiveness where proposals affect heritage assets.

While the variety of materials helps to differentiate the blocks and goes some way to addressing the visual impact of scale and mass, the overall design continues to sit uncomfortably within the wider context of this part of Bath and misses an opportunity to create a truly exciting and sensitive new addition to this important riverside site; failing to be sit comfortably on the edge of the Georgian City, while also failing to identify with the transition towards the industrial heritage South of the River.

Amendments to the western blocks make an attempt to minimise the impact of the roofscape additions with the current design allowing for a cleaner transition from elevation to roofscape and has removed the visual impact of the 'pop up' elements. However, the roofscape closest to the Georgian city has changed very little and the approach is not only out of character for the area but creates large swathes of terraces and useable roof spaces that will result in additional paraphernalia adding to their negative impact on wider views towards the City.

Much thought has been given to the verticality and detailing of the riverside elevation in order to break up the buildings visual mass, however this design approach has not been carried through at roof level. Instead, the articulation is lost in favour of a more generic approach across the whole footprint. This results in an unsympathetic solution that neither reflects that architectural approach taken on the elevations nor is sensitive to the nearby roofscape of the Georgian City.

The current design approach to the roofscapes of the site would introduce an unsympathetic skyline addition that would detract from the rhythm of and be out of character with the Georgian city. It would therefore be out of character to both the Bath World Heritage Site and Bath Conservation Area.

We understand that the benefits associated with the site are many and positive, but the design of the scheme must work harder to justify the harm being caused. Overall, Historic England feels that the amended scheme requires further refinement in order to provide the quality of scheme required in this location. As such, we continue to argue that the scheme will cause unnecessary and unjustified harm to the character and setting of the WHS, Bath Conservation Area and the setting of several highly graded heritage assets. The scheme requires further alteration in order to ensure it will make a positive contribution to local character and distinctiveness of Bath.

The harm is acknowledged as being 'less than substantial' but could be avoided through design improvements. The justification for the harm fails to be 'clear and convincing', conflicting with the NPPF. We believe that this site offers the opportunity to both enhance and better reveal the significance of the WHS and Conservation Area, but that this scheme fails to fulfil this aim.

Environment Agency
No objection

Natural England

The Lighting Impact Assessment Addendum provides modelling of light spill including the use of automated black out blinds on the 1st, 2nd and 3rd floors of the office building. It appears possible for the proposal to reduce light spill onto the River Avon to an acceptable level. Sky glow from proposals in close proximity to the river should be minimized by limiting light spill from the roof of the building. Suggest that the uplighting of the balustrades is removed from the proposals or additional mitigation is included to reduce the level of upwards light spill. The lighting on the roof terrace should be on timers to reduce the degree of night time lighting in proximity to the river.

Natural England would accept a condition relating to any additional external luminaires (including those mounted below 500mm that are not detailed in the Lighting Assessment). It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site and the local planning authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out and consult Natural England on the decision.

B&NES Urban Design (unamended scheme)

Plot 1 stairwells are too narrow and spaced out too far apart to provide sufficient breaks in the massing. The office uses do not guarantee an active frontage on Corn Street, with no entrances facing Corn Street and the Reception located on Ambury.

Plot 3 expresses a very narrow retail frontage to Little Somerset Yard on the east and this appears too narrow to provide the flexibility for active uses.

Plot 5 presents a blank frontage on a wide proportion of its north and east facing elevations. It is understood that the service uses must go somewhere, however it would benefit the overall quality of the public realm to reduce this. In particular, the view from Back Street facing west is very disappointing because the vista culminates in a view of the cycle store. The quality of public realm in Bath comes from the nuances in architecture that address vistas like these with buildings / architectural features that stop the view appropriately. These contemporary buildings should use appropriate architectural devices in this way as well. The convex curve of Plot 5 facing the bridge hinders the amount of public realm immediately adjacent to retail units facing Bridge Place. In addition, the large sweeping curve as viewed from the new bridge, increases the perceived massing.

The lack of variation in the shoulder height of buildings along the whole river front creates an increased horizontal emphasis and squat appearance here, which is at odds with the granularity of the city. The creation of bays attempts to address this, but visualisations demonstrate these have limited effectivity in breaking up the massing. Recommend

creating clear separation between the heights of blocks 4 and 5 and differentiating materials between the blocks.

Smaller single aspect homes that are currently designed to look on to walls or office elevations at close quarters should be designed with the unique riverside and landscape aspect to the south included as a design feature.

Roofs would benefit from public and wider residential access. There are single aspect and micro flats that would benefit from the semi-private outside space. Roofs articulated with a series of green roofs is good for living environments - but there is a lot of plant located there, and it appears scattered over the roofs. Recommend these are consolidated within higher elements of building/roof structure - particularly if this means some of the uniformity of height/shoulder height the scheme has can be varied in order not to lose accommodation.

Concern about the amount of space available for tables and chairs outside retail units to the south and the conflict with pedestrians and cycles these would create. There should be much more space to ensure the public realm here is as flexible as possible to make the most of the unique river front aspect. Recommend moving plot 4 north in its entirety for as much as possible without hindering access to Little Somerset Yard.

A large tree added at the curve in the road to Ambury Place could provide shelter and shade to bus stops and provide a focal point.

BANES Historic Environment Team (unamended scheme)

The proposed layout and uses, particularly those at street level will positively contribute to the character and appearance of the Conservation Area and remedy the damage to city fabric. The benefits of development which will improve this part of Bath city centre, including the townscape are supported however roofscape and riverside elevations raise concern.

Accepting that amended parameter plans allow for entirely flat roofs the disparate mix of structures proposed at roof level cause extreme concern, particularly on blocks four and five. They will be clearly seen and intrude on the historically important established views across the WHS from Alexandra Park/Beechen Cliff, enjoyed throughout the year by residents and visitors. They will also be seen from many vantage points at street level, projecting above the buildings and intruding on skylines. The fragmentation of these elements and their various small-scale forms result in a visual lack of cohesion. It is strongly advised that they are redesigned to group together as more recognisable roof forms, enclosing spaces between them.

Although planting at roof level is not objected to per se, the inclusion of trees raises concern as they will appear at odds with the distinct urban landscape character of the city roofscape. Trees in the city are historically associated with ground level, contributing to townscape. Views of them at rooftops from adjoining streets will appear incongruous and conflict with the attributes of the World Heritage Site and Conservation Area. There is concern that none of the rooftop areas are available for public use.

The architecture of the building block elevations facing the river will be prominently viewed in the settings of the Conservation Area and World Heritage Site. Their combined impact

will have a monumental and over dominant appearance, out of character with this important riverside setting. This mainly results from the use of repetitive building heights, over-emphasised horizontality of the architecture (particularly on Plot 4) and a lack of variety in materials used. Varying the heights to articulate the roof lines, introduction of a material other than stone (possibly brick) and creating greater verticality to the elevations could assist in overcoming these concerns.

In its current form it is not possible to support the proposed design of the development as it is considered to intrude on and damage the distinctive settings of the World Heritage Site and Conservation Area.

BANES Ecology

Subject to confirmation through submission of the detailed calculator with appropriate habitat condition assessment I am satisfied that there is likely to be net gain as a result of the development.

Details of number and type of bat and bird boxes is requested with a detailed specification / location plan to be submitted to discharge condition 12.

The revised Lighting Impact Assessment (Hoare Lea, September 2021) and Addendum dated October 2021 appear to show that the River Avon corridor can be kept dark and that no significant impacts on bat populations associated with the Bath and Bradford-on-Avon Bats SAC is achievable if automated blackout blinds are used for office windows. As a further safeguard, occupancy sensors would be welcomed and these measures would need to be secured by condition if consent is granted. However, the detailed external lighting layout (including locations and models of light fittings) on which calculations have been based does not appear to have been provided and is required to demonstrate beyond reasonable scientific doubt that there is no credible risk of significant adverse effects on SAC bats using the River Avon corridor as result of light spill. Clarification is also sought regarding bat emergence/re-entry surveys for the toilet block/cafe (north side of Corn Street on land outside the current reserved matters application) and the findings of such surveys need to be confirmed to demonstrate legal compliance.

The extent of green roofs and walls is strongly supported. Management details will need to be provided to discharge condition 12. Even though non-native species have been used, and more frequent use of native trees in landscaping would be preferred, in general species selected are of some benefit to wildlife and acceptable within the city centre context.

Any gull management strategies will need to clearly comply with the Wildlife and Countryside Act 1981 (as amended). It should also be noted that some gull species are of Conservation Concern due to recent declines. Management should only be implemented where an absolute requirement for health and safety reasons. The absence of netting which can entrap other bird species is supported.

BANES Highways

The impact on transport, access, and movement is consistent with the outline planning permission. The proposed Highways Layout General Arrangement is acceptable in principle however a detailed design package will be required for review and technical approval under the Highways Act 1980.

Vehicle tracking into and through the site is acceptable. Service Vehicle Management Plan and Waste Management Plan acceptable in principle with further details on refuse storage to be submitted for approval under planning condition 34.

Detailed comments on the updated Framework Travel Plan that will need to be addressed when Full Travel Plans are submitted for approval.

Covered operational cycle parking provision is slightly below standard however additional (uncovered) spaces are provided within the public realm including for visitors which offsets the shortfall. Recommend external spaces are covered to encourage their use. Detailed comments on cycling safety (within boundary of s.278 works).

Note that the number of electric vehicle charging points is currently limited by electrical load constraints and welcome commitment to passive provision for upgrading to active when the infrastructure is available.

Crime Prevention Officer
No objection/comments

OTHER REPRESENTATIONS

Bath Preservation Trust

Supports the strategic ambition and aspiration to regenerate and repair this city centre site with new development to create a mixed-use riverside quarter offering a new city environment connected to the riverside and a re-connection of the river and street pattern to the Georgian city. A street pattern that recreates the historic grain and enables views and routes through to the riverside from the city centre is welcomed.

The elevational treatments proposed are underwhelming and concern that many elevations lack local distinctiveness, specifically the internal elevations of Back Street (Block 4 and 5). The revised elevational treatments and a move away from horizontality are broadly welcomed and more prominent vertical elements which include piers and porticos, and visibility of internal staircases are generally successful in achieving this although the 'pop-ups' are a little over-assertive as presented. These vertical elements help break up the previous horizontal lines, but still present strong horizontal members. Encourage some further refinement which may create a lighter horizontal emphasis at skyline level.

Concerned that the elevational treatment of Plot 4 is rather busy and the building could benefit from a greater emphasis on the 'book-ends' and 'pop ups' that have stronger accord with Plots 1 and 5.

The variation in appearance to differentiate between Plots 4 and 5 is broadly welcomed as is the opportunity to use brickwork of the appropriate colour, texture, bond and mortar, alongside natural Bath stone in the former industrial riverside location. We welcome a paler/whiter buff brick for Plot 5. The pinkish hues (Plot 4) would require careful consideration through the construction of larger sample panels which allow the texture, colour, variation, bond and mortar joints to be the subject of an appropriate contextual assessment. This needs to be a Condition of any permission granted. Concrete is

recognised as a flexible, durable and potentially low carbon material, but generally has no place in the Bath street scene unless very carefully conceived as a positive material within a high-quality contemporary design. Given the amount of precast concrete that will feature on the most visible parts of the building, especially close-up, very careful consideration needs to be given not only to the construction but also the detailing. It is critical that precise detail is given regarding the colour, aggregate, texture and finish. There needs to be clarity as to how the concrete will weather, or be protected, long term.

Pleased that more is being made of the 'special corner' on Ambury but the corner is underwhelming, and opportunity has been missed for any sculptural or public art feature. Welcome the gain in public realm at Riverside Parade by moving Plot 4 further north and closing in of Back Street.

Generally support the ambition of the roof garden and the proposed 'variety' in roof form is felt to be more honest than the use of a mock mansard profile. However, the roofscape must have solid integration with the building design. Even if it is a flat roof, a change in material is needed to provide harmonious visual distinction. There needs to be much greater coherence between the 'activated' or 'living' roofscape and elevations. It is absolutely essential that the green landscaping (balanced with solar PV) is locked into the design, and well managed, and not able to be value engineered out leaving Bath with a collection of plain flat roofs. We have serious concerns about the ongoing maintenance and management of roof top landscaping and we can only support this approach if there are appropriate landscape management plans tied into any planning consent.

Pleased to see the inclusion of integrated solar however this needs to be designed with the landscaping provision in order to ensure appropriate space for each. Retain some concerns about the over-cluttering of the roof, and how this would be viewed from the pavement. Solar PV panels should be set out in symmetrical arrangements that follow rooftop plan forms and have a dark matte frame and non-reflective finishes.

Concerned about high level light spill from rooftop activity especially during winter. Given that the green roof may attract insect and foraging wildlife, very low light levels will need to be achieved and maintained at night time to support this. Precise details of the plant enclosures on roofs are required as the material is unclear and from the distant views these enclosures actually become one of the more significant features (especially where there is little roof-top planting). It is important to know what the material is, what texture it has, how it might reflect light, and how it will weather in time. Given their prominence they must be a recessive colour with a matt finish.

Welcome the variety in public realm that is forward looking in terms of sustainability and biodiversity. We welcome the 'play fountain' in Bridge Place and bespoke water fountain for Little Somerset Yard. We encourage the animation of place, and would like to see more opportunity for creative responses to landscape design. Generally content with the proposed flood resistant landscaping along the riverside, the tree species are good, and pennant or concrete materials are robust. We are generally happy with the planting/hard landscaping detailed elsewhere on site and welcome Little Somerset Yard 'cabinet'. Welcome recessed ground level lighting on riverside parade and the avoidance of lighting on riverside terraces.

Mission Theatre

Initial objection to location of proposed pedestrian crossing and bus stops on Avon Street withdrawn.

Members of the Public

An objection on the grounds that the design, in particular the materials, are completely out of character with Bath and inappropriate within the World Heritage Site area. They also note the lack of affordable housing and question the need for the hotel. They raise concerns regarding the very limited number of electric vehicle charging points.

An objection on the grounds of reduction in daylight to adjoining residential properties. A concern regarding construction management and works in the adjoining streets.

POLICIES/LEGISLATION

This application was submitted in December 2020, prior to the adoption of the Local Plan Partial Update (January 2023) and the publication of the revised National Planning Policy Framework (September 2023). Policies of relevance in assessing the current reserved matters application include:

Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update
B2 Central Area Strategic Policy
B4 The World Heritage Site and its setting
SCR1: On-site renewable energy requirement
SCR6 Sustainable Construction Policy for New Build Residential Development
SCR7 Sustainable Construction Policy for New Build Non-Residential Development
SCR8 Embodied carbon
SCR9 Electric vehicles charging infrastructure
CP3 Renewable Energy
CP5: Flood Risk Management
CP6: Environmental Quality
SB4: Bath Quays North & Bath College Development Requirements and Design Principles
BD1: Bath Design Policy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and Spaces
D5: Building design
D6: Amenity
D8: Lighting
D10: Public Realm
HE1: Historic Environment
NE2 Conserving and enhancing the landscape and landscape character
NE3: Sites, species and habitats
NE5: Ecological network
NE6: Trees and woodland conservation
ST1: Promoting sustainable transport
ST7: Transport requirements for managing development

Also of relevance are adopted Supplementary Planning Guidance (SPG) including Transport and Development (January 2023, updated May 2023)

National guidance in the NPPF (September 2023) and National Planning Policy Guidance are also material considerations and can be given significant weight. The current version of the NPPF was published after the submission of the current application and places greater emphasis on design quality, with an overarching social objective of the planning system being the fostering of "well-designed, beautiful and safe places". Para. 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design, and/or outstanding or innovative designs which promote high levels of sustainability so long as they fit in with the overall form and layout of their surroundings.

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; the more important the asset the greater the weight should be (para.199). Further, any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (para.200). 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 (para. 202).

There are also duties placed on the Council under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of development which affects a listed building or its setting and when considering development within a 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

An application for the approval of reserved matters is not an application for planning permission. Accordingly, the principle of the development as well as the overall quantum of floorspace, mix of uses and the general layout of the site, maximum building heights and overall massing are not matters for reconsideration as part of the determination of this current application.

The main issues to be considered in the determination of this application are details of the access, layout, scale, appearance and landscaping aspects of the development and compliance of these reserved matters with the parameter plans, design codes and design guidance and associated conditions that comprise the outline planning permission.

Condition 3 of the outline planning permission sets out the maximum permitted floorspace across the development as a whole (38,000m² GIA) and the maximum per development parcel. The maximum permitted floorspace for the two parcels the subject of this reserved matters application is 32,000m² (GIA) with the application proposing 29,980m² i.e. in compliance with Condition 3.

In accordance with Condition 5 a Reconciliation Statement has been submitted setting out the quantum and mix of uses of the proposed reserved matters scheme in the context of the overall approved development. This includes a hotel (3,522m² / up to 130 bedrooms) and 1,890m² of retail and restaurant floorspace, both of which are within the maximum permitted floorspace across the development as a whole for these uses (3,530m²/130 rooms and 4,500m² respectively). The application also proposes 7,956m² of residential floorspace (92 flats) which is within the maximum permitted residential floorspace (21,600m²/270 dwellings). The mix and quantum of floorspace is therefore in compliance with the outline planning permission. The mix of uses is also consistent with those permitted for the site in the outline planning permission.

Condition 4 of the outline permission requires that a minimum of 8,000m² office (B1) floorspace is provided in the first reserved matters application. The current application comprises 16,412m² of office floorspace and is therefore in compliance with Condition 4.

ACCESS

Placemaking Plan Policy ST7 (Transport Requirements for Managing Development) sets out a number of access requirements in terms of highway safety and measures to ensure safe and convenient access to and within a site for pedestrians, cyclists and those with a mobility impairment. Provision also needs to be made for secure and accessible cycle storage. Facilities for charging plug-in and other ultra-low emission vehicles (ULEV) will be sought as set out in the Transport and Development SPD. The latter sets a standard for new mixed-use buildings (Requirement S6) where developments with more than 30 parking spaces, 1 in 10 must be active provision and 1 in 5 passive provision. For all development where disabled car parking is provided in accordance with Council's parking standards charging for disabled spaces must meet the same ratios of ULEV active and passive charging provision requirements.

The development is divided into 5 plots/buildings, with a central east-west pedestrian-priority route from Ambury and two north-south routes linking Corn Street with the riverside. The western link aligns with Avon Street and the eastern link with a potential future route through the Bath College site to St James's Rampire. The alignment of the routes is within the parameters approved in the outline permission, connect with existing and potential future routes beyond the site and are considered acceptable.

The existing shared pedestrian/cycle route along the riverside linking the new bridge across to Bath Quays South with Ambury is retained, with alternative routes also available through the riverside park adjacent to the site. Routes through the site are generally level and step-free with ramps integrated into the public realm to accommodate level changes between Ambury/Corn Street and the internal routes of the development which is to be raised to address flood risk issues. In one location on Corn Street there are steps into the development, however ramped access for wheelchair users and others (that also serves the entrance to the hotel) is located adjacent to these steps. Overall, inclusive access to the site is considered acceptable.

A range of works are proposed within the public highway on Ambury and Corn Street including new and re-positioned pedestrian crossings and bus stops, the re-paving of footpaths around the site, and the raising of Ambury to facilitate a level step-free pedestrian connection between the application site and Somerset Street. The principle of

improving the quality of the public realm and connections to and beyond the site is supported. Condition 35 of the outline permission requires details of a scheme for improvements to Somerset Street to be submitted, approved and implemented prior to occupation of the Bath Quays North development. These details do not form part of the current reserved matters application and so will need to be submitted in due course to comply with Condition 35.

Access to the approved basement car park is located on Ambury, just to the south of Somerset Street. Details to ensure the effective management of traffic entering/leaving the car park including road markings and signage will need to be approved by the Council as Highway Authority under s.278 of the Highways Act however the proposed location of the car park access is as indicated on the approved Parameter Plans and considered acceptable. Pedestrian access to the car park is located on Ambury and towards the centre of the site, providing convenient access to the development and the wider city centre and considered acceptable.

An objection to the proposed location of a pedestrian crossing and bus stop on Corn Street was raised by The Mission Theatre and a number of its patrons. Amendments have been made to these items and The Mission Theatre has withdrawn its objection.

The outline planning permission includes a Development Specification which sets out the land use mix and other key elements of the scheme including parking provision. This states that the development will include between 430 and 495 parking spaces, including a minimum of 320 spaces (secured by condition) to be for the public (of which 17 are to be for Blue Badge holders). In addition, a maximum of 53 spaces are to be provided for office use.

The reserved matters application proposes a total of 411 car parking spaces, comprising 320 spaces for the general public (in accordance with Condition 36) of which 17 are Blue Badge spaces, 34 spaces for the 92 residential units (2 Blue Badge) and 'up to' 57 spaces (3 Blue Badge) for the office space. In the Transport and Development SPD the site is located in Parking Standard Zone A (Bath City Centre) where the maximum provision for residential (C3) is 0.5 spaces per dwelling, with 6% of capacity for Blue Badge spaces. For Class E uses the car parking standard is 0 spaces.

The proposal for 34 spaces for the 92 dwellings (0.37 spaces per dwelling) including 2 Blue Badge (6%) is in accordance with the Council's standards. The proposed spaces for the offices (up to 57 spaces including 3 for Blue Badge holders) is not in accordance with the standard in the SPD. However, it is relevant to note however that the outline planning permission permits up to 53 spaces for office use and the number of parking spaces on the site is not for reconsideration under the current reserved matters application. In the circumstances and subject to parking provision for office space being capped at 53 spaces the proposal would be in accordance with the development granted outline planning permission. For clarity a condition is proposed limiting the number of spaces for office use to 53 (including 3 Blue Badge).

Condition 29 of the outline planning permission requires details of electric vehicle charging points. The standard for Ultra-Low Emission Vehicle (ULEV) charging set out in the SPD is that where parking is provided for residential dwellings in multi-dwelling developments all spaces are to have active charging points. For non-residential the standard is 1 in 10

active ULEV charging spaces where more than 30 spaces are provided. This equates to 34 spaces for the residential and 6 for the non-residential. The SPD states that the standards must be met and that exceptions will only apply where it can be evidenced that meeting the standard results in a prohibitively unreasonable additional cost for the development. Developments must accommodate sufficient electrical capacity to meet the full passive provision requirements.

The Applicant is proposing 10 active ULEV charging spaces within the basement car park comprising 4 for public use, 3 for commercial occupiers and 3 spaces for residential occupiers. This is significantly below the standard set out in the SPD. The Applicant has advised that the number of active ULEV charging spaces it can provide at the current time is limited by load constraints in the electrical infrastructure in the area however passive provision will be made for 103 charging points (proposed to be split 18 public, 54 commercial and 31 residential). These will become active if and when additional power to the site becomes available. This still remains below the standard set out in the SPD and is not in balance with the proportions set out in the standards i.e. 6 for commercial and 34 for residential.

Given the current load constraints of the electrical infrastructure in the area the proposal is to maximise active provision within this constraint until capacity becomes available, with passive provision in accordance with the standard. In the current circumstances this is considered an acceptable solution. However, in accordance with the SPD standard future active ULEV charging spaces should provide 100% provision for residential accommodation (a minimum of 34 spaces, 46 spaces if parking is increased to the maximum permissible) and based on 57 parking spaces for commercial occupiers, active provision should be not less than 6 spaces and 11 with passive provision. Given the uncertainty about when the required electrical infrastructure will become available it is considered that limiting the delivery of the development or provision of car parking spaces to the provision of active ULEV charging points would be unreasonable.

The location of the charging points is not shown on the submitted drawings and therefore a condition is proposed requiring details of active and passive to be submitted and approved prior to first use of the car park or occupation of the development.

Condition 29 also requires details of city car club parking provision which forms one of the measures set out in the Framework Travel Plan for the development. The documents submitted with the current reserved matters application do not include these details and proposes that these details form part of Travel Plans to be submitted six months after first occupation of the development. This approach maintains the commitment to include a Car Club and given the lead-in time to first occupation it is considered an acceptable approach. For clarity, a condition is proposed requiring the submission and approval of detailed Travel Plans within six months of first occupation of any part of the development.

The Transport and Development SPD sets out minimum cycle parking standards for a range of uses. For residential (C3) the standard is 2 spaces per one and two-bed dwelling, 3 spaces per 3-bed dwelling. Based on the proposed dwelling mix (10 micro flats, 9 studio flats, 40 1-bed flats, 24 2-bed flats, 9 3-bed flats) provision should be made for 193 spaces. The reserved matters application proposes 183 secure covered cycle parking spaces for the residential units within Plots 4 and 5. This is slightly (10 spaces/5%) below the standard set out in the SPD.

For the commercial space a range of standards are set out depending on the particular use. Based on the proposed land use mix (16,390m² of office space, 1,889m² of financial services / retail / restaurant, 3,527m² hotel and 219m² other uses) provision should be made for around 455 spaces including 360 for the office space. The reserved matters application proposes a total of 356 secure covered cycle parking spaces with shower and changing facilities within Plots 1 and 2 to serve the office space.

The Applicant has also identified the potential for 336 secure covered cycle parking spaces within the basement car park (in place of 29 car parking spaces, allocated 26 office and 3 residential). In addition, cycle parking spaces would be provided within the public realm across the site. Taken together i.e. nominal over provision of parking for commercial uses and under provision of cycle parking, the identification of 336 cycle spaces in the basement (in place of car parking spaces with no reduction in Blue Badge spaces) would achieve an acceptable level of provision of cycle and car parking spaces within the development.

Servicing of the site is principally within the site along the central route with access into the site from Corn Street and exiting onto Ambury. This route is also an important pedestrian route through the site and it is proposed that access by service vehicles will be managed and limited to 07.00-10.00 and 21.00-24.00 on weekdays and access prohibited between 10.00 and 18.00 and 24.00-07.00. Servicing times at weekends prohibit access between 11.00-20.00 and 24.00-07.00. A loading bay is provided on Corn Street (which also serves as a drop-off point for the adjacent hotel) and a loading bay is proposed on Ambury. Highways raise no objection to the submitted Service Vehicle Management Plan, however details of the on-street servicing will need to be finalised as part of the s.278 agreement.

LAYOUT

Placemaking Plan policies D1 (General Urban Design Principles), D2 (Local Character and Distinctiveness), D3 (Urban Fabric) and D4 (Streets and Spaces) set out the general objectives and approach to securing design quality through the layout of new development. This includes making connections by different modes, with a clear hierarchy of streets and spaces that are legible and easy to move around. Development needs to respond positively to the site context, in particular the local character, and respond appropriately to urban morphology including consideration of historic grain. Further guidance is set out in Policy SB4 (Bath Quays North and Bath College) which states that the network of streets and spaces throughout the wider site should be experienced as a natural extension of the city centre. They should be legible, pedestrian and cycling friendly, connecting the city centre to the riverside path and cycle route, and directly aligned to enjoy views of the hillsides beyond.

The approved Parameter Plans establish the principle of north-south and east-west routes across the site in accordance with Policy SB4 but allow for flexibility in the precise location and alignment of these routes. The proposed layout creates five separate building plots with clear and direct routes through the site connecting key nodes and spaces within the site, with the riverside park along its southern edge and to the city centre to the north and east. The routes and siting of buildings conform with the Parameter Plans and Policy SB4, stitching the site back into the city centre and repairing its damaged urban grain.

Around the perimeter of the development there is a generally consistent building line with occasional setbacks. Along the southern (riverside park frontage) there is a 7.5m wide generally level 'promenade' with raised sections in front of parts of Plots 4 and 5 to accommodate the level changes in this part of the site. Along the central pedestrian route (referred to as 'Back Street' and referencing an historic street on the site) is a small public square that is the location of one of the pedestrian access points to the basement car park. Concern had been raised by the Urban Design officer regarding the amount of space identified for tables and chairs along the riverside and potential for conflict with pedestrians and cycles in this area. The width of the pedestrian zone closest to the building along the riverside frontage has been adjusted to include more generous areas of public realm in key locations. Given that there are other routes along the riverfront, including through the existing park, this arrangement is considered acceptable.

Plot 1 (predominately office use) is located at the junction of Ambury and Corn Street and facing the Mission Theatre. The main entrance to the building is on Ambury, with retail kiosks providing some animation and active uses along the southern side of the building along Back Street. The northern elevation along Corn Street has no entrances other than secondary/escape stairs and therefore presents an inactive frontage along this section of the site. Concern had been raised by the Council's Urban Design officer regarding the lack of active frontage on Corn Street however given traffic movements along Corn Street and more pedestrian-friendly routes available through the centre of the site and along the riverside, on balance the layout of Plot 1 is considered acceptable.

Plot 2 (predominately office use) fronts onto both Ambury and the riverside. The main building entrance is located on the riverside with a full height atrium linking through to Back Street. Retail/café/restaurant units on the corner of Ambury and the riverside provide active uses and animation to these locations. The layout of Plot 2 is considered acceptable.

Plot 3 (hotel) has the main entrance located on Corn Street, providing some animation and activity on this frontage. The eastern frontage of Plot 3 is dominated by service areas and faces service areas on Plot 1 however this is a relatively short section of the street and retail space is provided on the corner with Back Street to provide some animation. The Urban Design Officer has expressed concern at the narrow retail frontage to the new public square to the south, limiting the flexibility for active uses however there is also the potential for activity from retail/restaurant uses and in the ground floor of Plot 4 opposite. The layout of Plot 3 considered acceptable.

Plot 4 (predominately residential) has frontages onto the riverside and two north-south routes linking the riverside and Corn Street as well as to Back Street. The ground floor is a mix of retail floorspace (predominately on the riverside frontage) with access to the upper floor residential from the north/Back Street. The majority of flats on the upper floors are double aspect (and in some cases triple aspect) although a number of studio and micro flats are single aspect. In response to concerns from the Urban Design Officer regarding the outlook from smaller single aspect homes, angled balconies have been introduced providing some external amenity space to these smaller flats with an aspect towards the river. With the proposed amendments the layout Plot 4 and internal arrangement of the building is considered acceptable.

Plot 5 (predominately residential) is a roughly triangular block located at the western end of the riverside frontage, with a convex frontage facing a public square where the pedestrian bridge across to Bath Quays South lands. The Urban Design Officer raised concerns that the convex form of this building would hinder the amount of public realm immediately adjacent to retail units facing the space where the bridge lands and that the large sweeping curve, as viewed from the new bridge, will increase the perceived massing of this building. It is considered that the dimensions of this space, approximately the size of the central space in Kingsmead Square, is of a sufficiently generous size to accommodate the building as well as seating space and bridge landing for re-orientation for routes towards the city centre.

To the north is Corn Street and to the east the continuation of Avon Street through the site, linking Kingsmead Square with the riverside. Ground floor retail/restaurant uses face the open space with the north (Corn Street) and east frontages accommodating various service and supporting facilities including bike stores. Whilst the latter create inactive frontages, this is balanced by commercial ground floor uses (hotel and retail units) in Plots 3 and 4. Access to the upper floor flats is from Corn Street via a small internal gated courtyard. The upper residential floors include some single aspect north-facing flats (including 'micro' flats) however they are limited in number and the layout and internal arrangement of Plot 5 is considered acceptable.

In compliance with Condition 7 a micro-climate (wind) assessment has been submitted with the current reserved matters application. This concludes that conditions in and around the site are acceptable for people walking through the site throughout the year. It is noted that conditions along the riverside frontage, even during the summer, are assessed as suitable only for standing and walking rather than for sitting. As the ground floor along this frontage includes a range of retail, café and restaurant uses, where outside seating is proposed mitigation in the form of solid screens and additional soft landscaping has been recommended. Details are to be secured by condition.

Whilst the proposed layout does not recreate the Overall it is considered that the proposed layout, in particular the reintroduction of streets through the site, and linking with existing routes to the city beyond, contribute positively to the character and appearance of the Conservation Area and repair the damage to the fabric of the city that the current layout represents.

SCALE

Maximum (and minimum) dimensions of buildings on the site including block sizes and building heights are set out in the Parameter Plans that were approved under the outline planning permission. Together with the approved Design Codes these seek to break down the overall scale of the development by creating separate buildings, introducing a range of building heights across the site as well as the opportunity for different building forms to be developed.

The reserved matters details propose buildings generally increasing in height towards the riverside and buildings stepping down in height towards the city to the north with upper floor levels typically set back from the parapet line. Buildings also increase in height from east to west. Maximum heights are predominately within the limits set out on the approved Parameter Plans however amendments submitted during the determination of the current application result in some limited and localised breaches of the building height

limits. Whilst non-habitable structures such as lift enclosures that extend beyond the maximum building heights are permitted under the outline permission parts of roof top structures, principally on Plots 4 and 5, project marginally beyond the height limits at the edge of the buildings. The central part of the elevation of Plot 1 also extends beyond the specified maximum building height. These breaches are limited in number and scale and it is considered that given their location and extent they do not materially affect the overall impact of the development, in particular on heritage assets including on views across the site, and that in the context of the scale of the development as a whole these breaches are considered de minimis.

Bath Quays North is identified as the Council's flagship regeneration project, transforming the site into the city's main business location and helping to redefine the city's economic profile. This includes providing modern larger floorplate office space, in contrast to the smaller scale space available in older, often listed buildings in the city centre. As a consequence, the footprint of Plots 1 and 2 in particular contrast with the finer grain of parts of the Georgian city and the proposed scale of buildings (in footprint and height) does not recreate the variety and informality of the historic layout of the site. Whilst the building footprints do not reproduce the historic plot dimensions the riverside has been and continues to be the location for larger scale buildings including Maritime House and Camden Mill on the opposite bank of the Avon. Given the vision for the site as the city's main business location and the immediate context the overall scale of buildings is considered acceptable. The architectural treatment of the buildings and roofscape is considered below under 'Appearance'.

Daylight and Sunlight

Condition 6 of the outline planning permission requires the submission of a daylight and sunlight assessment with each reserved matters application to assess the impact on adjoining residential properties and to private and public open space within and adjoining the site. Given the location of the buildings in Phase 1 and the distance from adjoining residential properties to the north the impact on these properties is limited. An objection was raised to the impact on daylight to adjoining residential properties however this was based on an assessment that included buildings on Plots 6 and 7 which do not form part of the current reserved matters application. In respect of sunlight to public spaces, given the extent of the southerly riverside aspect the development as a whole exceeds the required standard (that more than half of the amenity space should receive at least two hours sunlight on 21st March). Due to the scale and orientation of buildings a small public square on Back Street does not receive the recommended amount of sunlight however the development as a whole achieves the standard and this smaller space offers a more sheltered alternative to the open and more exposed riverside frontage.

The scale of the development is within the approved development parameters and the impact, including specifically on heritage assets and in key views of the site (including views across the city as a whole, such as from Beechen Cliff), is considered acceptable.

APPEARANCE

Core Strategy Policy 2 (Central Area Strategic Policy) states that change within the Central Area should reinforce and contribute to the City's unique character and identity and Policy SB4 in the Placemaking Plan (Bath Quays North and Bath College) sets out a number of development requirements and design principles. This includes that the design of new development, including materials and visual appearance, should resolve the

considerable challenge of creating a confident and contemporary identity for this area, one that: (a) responds positively to the existing, varied architectural character of adjacent sites; (b) responds to the valued characteristics of the city centre, and to the wider context of Bath as a World Heritage Site as expressed through its Outstanding Universal Value. Guidance on the detailed design and materials palette is further developed and refined in the Design Codes and Guidelines approved as part of the outline planning permission for development of the site.

Design Approach

The architectural approach includes references in the elevational treatment to the general order of Georgian buildings but with a noticeable departure in the roofscape from the existing grain and character of the city. The elevational treatment of the office buildings on Plots 1 and 2 adopts a formal style with a vertical emphasis and are predominately of Bath stone on the outward facing elevations. The residential buildings on Plot 4 and 5 adopt a contrasting approach with projections and recessed balconies adding depth to the façade and are either brick or a mix of Bath stone and brick. The hotel on Plot 3 presents a markedly different elevational treatment with pre-cast concrete panels on all elevations. The roofscape across all buildings comprises a series of flat roofs at different levels rather than the pitched roof form and character of the majority of the city centre.

Materials Palette

The reserved matters application proposes a range of materials including Bath stone, brick and pre-cast concrete. The use of Bath stone is supported and the principle of brick as the main material on selected buildings and elevations is considered acceptable in the context of other brick buildings on the riverfront such as Maritime House opposite. The application makes reference to a number of precedent schemes including the mixed pink/red brick proposed for Plot 4 and mottled 'white' proposed for Plot 5 and Condition 9 requires a sample panel of all external surfaces of the buildings (including roofs) to be erected on site and approved prior to construction of the external walls commencing.

Pre-cast concrete is proposed as the main material on Plot 3, and more selectively on other parts of the development. 'Pre-cast concrete' can take many forms in terms of finish/texture, colour, panel size and detailing demonstrating the versatility of this material. However, it is not typical of the historic centre of Bath in particular, nor the World Heritage Site more generally. The use of pre-cast concrete is considered below in relation to each Plot where it is proposed. If the material is to be used, the colour and finish (as well as detailing) will be critical and as noted above Condition 9 requires a sample panel to be erected on site prior to any construction of the external walls of the development thereby providing a mechanism for the Council to consider the detail of all materials.

Architecture

Plot 1 (frontages to Corn Street and Ambury) comprises a series of bays, separated by stair cores that extend above roof level, with the central bay (opposite the Mission Theatre) being the tallest element and the bays either side being lower and with the top floor set back. The elevations are made up of a Bath stone frame with horizontal pre-cast (exposed aggregate) concrete infill panels between floors and on the top floor to the set back elements. The architecture and materials palette wraps around the corner from Corn Street onto Ambury. The ground floor is raised (to address flood risk issues) with a pre-cast concrete plinth. Windows are set within frame with deep reveals. To the rear, the

elevation to Back Street has a clearly expressed and regular frame of pre-cast concrete with profiled metal cladding infill panels.

The elevational treatment is formal, with the Bath Stone frame facing towards the city on Corn Street and Ambury being the dominant element with the infill/spandrel panels set within the frame giving the elevation a clear vertical rather than horizontal emphasis. The overall design approach is considered acceptable as is the use of Bath stone being the dominant material on the principal external elevations, with pre-cast elements being limited to infill panels as well as the recessed top floor and plinth. Back Street is a relatively narrow predominately pedestrian route, visible from Somerset Street and with glimpses along Ambury and whilst the use of pre-cast concrete and metal panels is not typical of the city, given the dimensions of the route and its limited visibility in longer views the materials in this location are considered acceptable.

The Urban Design Officer raised concerns regarding the dimensions and spacing of the stairwells in the original submission in providing sufficient breaks in the massing. The elevation has been amended to remove the set back of the central bay at third floor level so that the stairwells are more integrated into the elevation with a clearer break in the massing on either side. In addition, a more vertical emphasis has been introduced which differentiates this element from the rest of the building.

Plot 2 (frontages to Ambury and the riverside) adopts a similar overall architectural approach to Plot 1 with the elevation broken down into a series of elements defined by a frame, predominately of Bath stone with pre-cast concrete infill and spandrel panels and parapet. The Conservation Officer and others raised concerns about the riverside elevations of the original submission in general, with the use of repetitive building heights and over-emphasised horizontality of the architecture combined with the length of the elevation and flat roof form giving the buildings an unacceptably squat appearance. Amendments to the elevation of Plot 2 have resulted in a more clearly expressed central bay with the introduction of a full height atrium with a Bath stone frame that extends beyond parapet height. In addition the continuous parapet line that contributed to the squat appearance is now broken along its length, which together with more clearly expressed elements and variation in the depth of the window reveals between the central and outer bays, assists in addressing the concerns raised by the Conservation Officer regarding the monumental and over dominant appearance of the riverside elevation of the original proposals given prominence of the site when viewed in the settings of the Conservation Area and World Heritage Site. The proposals are within the approved development parameters and a number of amendments have been made to the elevational treatment and materials of the riverside frontage to introduce variety in form including more clearly expressed vertical elements as well as to the overall character of this key elevation.

The Ambury elevation comprises two distinct elements, the southern part being an extension of the Bath stone framed riverside frontage, with the section above the car park entrance/exit to Back Street being a predominately pre-cast concrete frame. Introducing a variation to the elevational treatment of Plot 2 addresses concerns about the repetitive nature of the elevation on this building and the design has also been amended to achieve a more clearly expressed vertical rather than horizontal frame. Whilst the Ambury elevation faces towards the city, given the pre-cast element is of limited length and sits

between predominately Bath Stone buildings either side, the use of a pre-cast concrete frame on this part of the building is considered acceptable.

Plot 3 (on Ambury, facing Bath College) adopts a very different architectural approach and is entirely of pre-cast concrete, other than a Bath stone stair core. The elevation comprises a series of bevel-edged panels with metal framed windows and spandrel panels set back within a strongly defined frame. A set back at ground floor is largely glazed and the top floor is set back behind a low parapet and repeats the general form of the lower floors. The eastern and western end of the building continues this form including some blank panels.

The overall proportions of the building are considered acceptable with a vertical emphasis and the bevelled edges to the window frames introduce variety and depth to the façade. This together with the proposed materials creates a distinct identity to the building that is clearly very different from that found elsewhere in the historic city centre. Set against this is the opportunity to introduce a singular design approach that clearly differentiates this building from others across the wider Bath Quays North site.

The riverside elevation of Plot 4 (frontages to the riverside and Back Street) comprises a series of projecting bays with recessed balconies to the flats in this building. The elevations are predominately brick with pre-cast concrete balcony edges. Roof level structures are set back behind a parapet and aligned with the bays below. The ground floor comprises retail/restaurant units with metal shopfronts within the brick frame. The design of this building seeks to break up the main riverside frontage and avoid an overly horizontal emphasis to the elevation including extending and clearly expressing the corner bays. The flank and rear elevations are also in brick with pre-cast concrete infill panels. Whilst the combination of projecting and recessed sections of the elevation adopts a different approach to buildings elsewhere on the site (and to that of the brick buildings opposite) it is considered that the amendments address the concerns of the Urban Design Officer and Conservation Officer regarding the overly horizontal emphasis of the architecture and providing a clear separation from adjoining buildings in form and materials. Subject to the specification of the brick and mortar this is considered an acceptable material.

Plot 5 (frontages to riverside and Corn Street) faces an area of open space where the bridge to Bath Quays South lands. The building is predominately Bath stone with pre-cast concrete balcony edges. By creating a number of clearly expressed bays with recessed windows that continue to roof level and with a frame around roof level balconies, the amended building design addresses concerns raised about an overly horizontal emphasis to the elevation. The bays extending to roof level also break a dominant and heavy parapet line in the original proposals. Bath stone is continued onto the Corn Street elevation on the upper floors, with the internal courtyard and side elevation to the extension of Milk Street being a light coloured brick below a Bath Stone parapet. The ground floor is pre-cast concrete. Subject to approval of the specific brick to be used the use of this material on parts of the building is considered acceptable as is the principle of pre-cast concrete. Concerns of the Urban Design Officer regarding blank frontages and the vista along Back Street (culminating in a view of the cycle store) have been addressed in part by the introduction of detailing to the side elevation of the building including metal filigree screens to the bike store. Details of the screen will need to be submitted under Condition 9.

It is considered that the final design addresses a number of concerns raised by the Design Officer, Historic England and Bath Preservation Trust, in particular addressing the over-emphasised horizontality of the architecture and squat appearance of buildings along the riverside. This has been achieved in part by introducing greater verticality to the elevations and variation in the parapet height. Whilst the layout of Plot 5 has remained unchanged it is considered that given the open space in front of it this is acceptable and adjustments to the positioning of Plots 4 and 5 have eased some of the potential pinch points at ground level. It is acknowledged that consultees continue to have reservations about elements of the design and there would be some harm to heritage assets however the level of harm is considered to be less than substantial and to be weighed against public benefits of the scheme. This is considered further below.

Roofscape

The Development Requirements and Design Principles set out in Placemaking Policy SB4 state that the design of the development, in particular its roofscape, must be sensitive and responsive to its prominence when seen from Beechen Cliff and from other surrounding hillsides, including during hours of darkness. It goes on to note that there are opportunities for roofs to be used for rainwater storage and capture, for solar cooling, power and for edible gardening and that this mix of functions can help to reduce a monolithic appearance. The Design Codes and Guidelines approved under the original outline planning permission for the site allow for parts of the development to incorporate flat roofs and the amended Design Codes and Guidelines approved under the s.73 permission allow the opportunity for additional flat roofs.

The historic roofscape of much of the centre of Bath comprises pitched roofs, with chimneys and party walls as well as variations in building heights and topography creating variety within a generally consistent roofscape form. This makes a significant contribution to the city's special qualities and its character particularly when viewed from the hills around the city. The current proposals therefore represent a markedly different approach and given the visibility of the site (such as from Beechen Cliff) and significant concerns have been raised, including from Historic England, in terms of its appropriateness and impact on the World Heritage Site, on the setting of listed buildings and on the Conservation Area. Historic England conclude that the current design approach to the roofscapes of the site would introduce an unsympathetic skyline addition that would detract from the rhythm of and be out of character with the Georgian city. It would therefore be out of character to both the Bath World Heritage Site and Bath Conservation Area.

Options to incorporate pitched roofs to reflect the character of the city centre have been explored however integrating them into the scheme has been constrained by the large footprint of the buildings which contrasts with the smaller grain and building depth of many of the historic buildings in the city. Accordingly rather than introduce false mansards (and screening roof top plant within them) or multiple pitched roofs that do not relate to the form and scale of the buildings themselves the approach has been to adopt a significantly different and contrasting approach that expresses the sustainability and biodiversity features incorporated into the development. This is achieved with a series of flat roofs broken up by stair cores, lift overruns and plant on all buildings across the site. The roof tops are used for a mix of green/brown roofs and for the provision of plant for low and zero

carbon technologies including space heating, hot water and cooling systems and for the siting of photovoltaic panels.

In addition to concerns regarding the principle of flat roofs, objections were raised to the number and disparate form and location of roof top plant and 'pavilions'. As a consequence changes have been made that consolidate these elements into a more rational and coherent form and to integrate them more clearly into the overall design of the buildings. This has gone some way to addressing concerns however it is acknowledged that the roofscape remains in marked contrast to the historic city centre and does give rise to harm to heritage assets. This is considered further below, including any public benefits that are to be weighed against that harm.

On Plots 1 and 2, and potentially on Plot 3, it is proposed that occupiers are able to access the roof. Whilst the principle of access to the roof is supported, as is the integration of various biodiversity features and sustainability measures into the roofscape, it is important that the details of these does not further impact on the character of the city or its heritage assets. The siting of trees on rooftops in particular, visible from adjoining streets as well as elevated viewpoints across the city, is not consistent with the urban and landscape character of the city, will appear incongruous and detract from the attributes of the World Heritage Site and Conservation Area. Details of planting are to be submitted for separate approval under Condition 10 (Landscaping Details) and details of roof top equipment under Condition 30 (Mechanical Ventilation) however for clarity it is proposed that a condition is added requiring details of the photovoltaic panels to be submitted for approval.

The appearance of the buildings, and roofscape in particular, contrasts with the existing grain and character of much of the historic city centre and it is considered that this gives rise to harm to heritage assets including those of the highest significance. This harm is considered to be less than substantial and in line with guidance in the NPPF this needs to be weighed against the public benefits of the proposal. This is considered further below.

LANDSCAPING

The hard landscaping proposals are generally consistent with the guidance and specifications set out in the Bath Pattern Book, with a mix of grey/blue/buff pennant stone slabs of various sizes for the main routes in and around the site including the public route along the riverfront. It is also proposed to replace the existing tarmac pavements and crossings on both sides of Corn Street and Ambury with pennant stone. Works within the public highway will need to be approved separately as part of the s.278 agreement under the Highways Act and it is therefore recommended that the materials specification for works within the public highway are excluded from any reserved matters approval. Details of the proposed works to Somerset Street are covered by Condition 35 of the outline planning permission.

Timber seating in a variety of shapes and forms is to be provided along the riverfront and the boundary with the riverside park being delineated by a low precast concrete wall, with existing and new connections to the park available at various points along it. Changes in level between the riverside and the site are generally ramped with small sections of steps providing the opportunity for additional informal seating along the riverfront.

Soft landscaping comprises tree planting along the riverfront and within raised planters along the extension of Avon Street and the public space where the bridge lands where

planters and seating will provide a degree of enclosure to this space. Tree planting is also proposed along Corn Street and Ambury, forming part of the works within the public highway that are subject to separate approval under a s.278 agreement. Whilst street trees within the public realm in Bath tend to be larger single trees in public spaces (such as in Kingsmead Square) rather than lines or groups of smaller trees, the positioning and size of trees around the site is constrained by maintaining suitable pavement widths, underground services and proximity of adjacent buildings. Species selection, such as at the western end of the site in the new public space adjacent to the bridge landing, allows for larger trees to be incorporated into the public realm.

The hard landscaping provides a consistent and high quality public realm throughout the site and the tree planting and seating along the river front integrates with the landscaping of the riverside park. The principles of the hard and soft landscaping within the main part of the site are supported. Details are to be submitted under Condition 10.

OTHER PLANNING CONSIDERATIONS

Ecology and Biodiversity

The River Avon is designated a SNCI and provides a supporting habitat for the Bath and Bradford on Avon Bat SAC. The structures on the site away from the riverside frontage (now demolished) were considered as having the potential as bat roosts however a walkover survey in October 2019 (prior to demolition of the café/toilet block on the north side of Corn Street) and a Dusk Emergence Survey in June 2022 (prior to demolition of the multi-storey car park) found no evidence of bat roosts in the structures, nor noteworthy commuting or foraging routes in these locations.

A lighting impact assessment has been submitted in compliance with Condition 13 and revised to address concerns raised by Natural England and the Council's Ecologist. The assessment includes a range of mitigation measures to control light spill from the buildings and riverside lighting to achieve 0 lux. This includes the specification of the glazing system and the provision of automatic blackout blinds to the office buildings. Natural England have confirmed that the proposed mitigation is acceptable in principle and a condition is proposed to ensure mitigation measures to achieve the required levels of light are incorporated into the buildings.

Natural England initially advised that further information was required on the external lighting layout (including locations and models of light fittings) on which light levels have been calculated to be able determine whether the proposals will result in significant effects on any European sites. In the absence of a detailed plan of external light fittings Natural England advised they may need to object to the application. Further information has been submitted on light fittings attached to the buildings and following further discussions with Natural England regarding proposed low level light fittings it was concluded that further information was not required in order to determine this reserved matters application. A condition is proposed requiring this information to be submitted prior to installation of low level lighting to confirm that required lighting levels are achieved.

An initial proposal to provide uplighting of trees has been removed, addressing a concern raised by the Council's Ecologist. In addition lighting within planting beds at ground and roof level have been removed but retained on planter external edges for waymarking. The roof plan shows eight bat and/or bird boxes on Plots 4 and 5, the detailed specification and location of which will need to be submitted for approval as part of the Ecology

Enhancement and Biodiversity Strategy (Condition 12). A gull mitigation strategy has been submitted which proposes the use of a bird of prey as an initial deterrent to birds nesting on the buildings. If this is unsuccessful and some birds do establish nests it is proposed that nests and eggs will be removed with birds of prey continuing to be used during and after the removal.

Condition 38 of the outline planning permission requires that each reserved matters application includes a Biodiversity Statement demonstrating that the development will achieve a biodiversity net gain for that part of the site of at least 30% over the existing condition. The government target is for developments to achieve a 10% biodiversity net gain however as part of the s.73 application an enhanced level of biodiversity net gain, together with improved sustainability in the form of reduced CO2 emissions, was presented as the rationale for an alternative roof design strategy that would allow for extensive flat roofs. As part of the current reserved matters application an assessment using the Defra Biodiversity Metric has been undertaken to assess the change in biodiversity of the site from the existing conditions to that on completion of the development. The existing site is dominated by extensive areas of tarmac and car park and so is of low ecological value and the assessment suggests a net gain of around 60%. New tree planting, replacing existing mature trees on the site (the removal of which was approved under the outline planning permission) will not immediately compensate for that loss however taken together with a variety of soft landscaping works and the provision of extensive areas green/brown roofs the assessment shows a significant overall net gain. Whilst the existing condition of the site is of low ecological value, the scheme will deliver a significant improvement in excess of the 30% required by Condition 38 and contribute to the biodiversity of the city.

The biodiversity measures incorporated into the scheme are supported.

Sustainability

Condition 37 of the outline planning permission requires that each reserved matters application includes an Energy and Sustainability Statement setting out full details of the measures to achieve minimum reductions in CO2 emissions. An Energy and Sustainability Statement has been submitted as part of the current reserved matters application and this demonstrates that Phase 1 achieves a site-wide reduction in regulated CO2 emissions of 39% and a 76% site-wide reduction in CO2 emissions using SAP 10.1 carbon factors.

These CO2 emissions reductions will be delivered through a range of measures including high energy efficient building fabric and building services as well as air source heat pump, variable refrigerant flow and rooftop photovoltaic array across the site. This exceeds the requirements specified in Condition 37 (30% and 50% respectively) and is above current policy requirements.

Subject to the details of the PV panels being submitted for approval, the sustainability measures incorporated into the scheme are supported.

Development Viability and Affordable Housing

A detailed viability assessment of the development based on an indicative scheme comprising a

mix of office, retail, residential and a hotel was submitted as part of the s.73 application approved in December 2020. The report identified a significant overall deficit and concluded that the development was unable to deliver any affordable housing.

An independent review of the appraisal on behalf of the Council (in its capacity as local planning authority) was undertaken during the determination of the s.73 application. This confirmed the overall conclusion although the deficit was assessed as being less than that identified by the Applicant. Given the limited time between the s.73 and reserved matters application the scheme changes since submission of the application do not materially change the overall conclusions regarding scheme viability. A s.106 agreement, to be entered into before commencement of development, provides for a financial review prior to completion of Phase 1 of the development to establish whether the development is able to support the provision of affordable housing in the future.

Flood Risk

Conditions 24 and 25 require details of finished floor levels and ground floor uses to minimise the risk to the site and occupiers from flooding. Relevant details have been submitted and the Environment Agency raise no objection to the application.

Environmental Impact Assessment

By virtue of the location of the site and the scale and impact of the development the proposals amounted to EIA development and the outline planning application was accompanied by an Environmental Statement (ES). The current application includes a 'compliance statement' that assesses the scheme set out in this reserved matters application against the findings and conclusions of the ES.

It is considered that although there are slight breaches of the approved development parameters (referred to above) the details of the development set out in this reserved matters application do not give rise to new or materially different impacts from those assessed at the outline application stage, that the conclusions of that assessment remain valid and that the mitigation measures set out in the original ES remain appropriate.

PLANNING BALANCE: HERITAGE ASSESSMENT

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. The more important the asset the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. The application site is located within the World Heritage Sites, affects the setting of Grade II and II* listed buildings and is within the City of Bath Conservation Area. The World Heritage Site designations are of the highest significance and very significant weight should be given to them. The listed Mission Theatre and Forum buildings immediately adjoin the application site (with St James' Parade located further away) are considered to be of moderate significance. The City of Bath Conservation Area is widely drawn however the application site is located within the historic city centre and is considered to be of major significance.

As set out in s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 same Act special attention has to been given to preserving the setting of listed buildings in the vicinity of the site. The principle of development and general scale and form of development on this site has been established through the outline permission and considered to preserve the setting of the listed buildings. The setting of the listed Mission Theatre, Forum and St James's Parade is currently a large empty site and by removing

the existing car park, which has been an eyesore for a number of years, it is considered that the setting of these heritage assets will be significantly improved. Under s.72 of the same Act a duty is placed on the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. As noted above, the current use of the site (and now demolished multi-storey car park) detract from the character and appearance of that part of the Conservation Area and more widely. The proposed development will reinstate a network of streets and spaces and provide improved links between the city and the riverside. The overall design of the buildings is considered acceptable and it is considered that the development will enhance the character and appearance of this part of the conservation area.

The development will be clearly visible in the city both from street level and more particularly elevated viewpoints where the proposed roofscape, which is in marked contrast to the character of the majority of the historic core of the city, will be seen in the context of the Georgian city beyond. Historic England conclude that overall the development will result in less than substantial harm to heritage assets however they consider the justification for the harm fails to be 'clear and convincing', conflicting with the NPPF, and that the development would cause unnecessary and unjustified harm to the character and setting of the World Heritage City, Bath Conservation Area and the setting of several highly graded heritage assets. They acknowledge that the amendments make some attempts to vary the architectural design of the riverside elevation however they continue to question whether they successfully reflect the local character and distinctiveness of this part of Bath or to appropriately respond to the grain of the existing city. In particular, they consider that the approach being taken to the roof line, relying on flat roofs, terraces and set back additional stories, are alien to the historic form of the city and sit uncomfortably in key views across the World Heritage Site.

Given the prominence of the site, the scale of the development and its visibility Officers conclude that notwithstanding the amendments to the architecture and details of the roofscape the overall impact of the development on heritage assets is adverse and that less than substantial harm remains.

Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Further, considerable importance and weight must be given to the conservation of the heritage asset when carrying out the balancing exercise. The public benefits of the development as a whole include the economic benefits arising from the mixed use development of a key city centre site that will deliver modern office floorspace and capacity for new job opportunities in the city to support the delivery of the Council's Economic Strategy; the social benefits of the provision of new homes; the benefits of developing a key city centre site that currently significantly detracts from the character and appearance of this part of the Conservation Area and wider World Heritage Site; and the environmental benefits in terms of significant biodiversity gains and the incorporation of measures that will deliver significant sustainability outcomes in terms of reduced CO2 emissions.

Taken together the economic, social and environmental benefits of the scheme are significant and considered to amount to a clear and convincing case for the development that it is acknowledged will give rise to harm to heritage assets. The importance of the heritage assets, which includes assets of the highest significance, and weight that must be

given to their conservation means that the matter is finely balanced. However, it is considered that the harm to the attributes of the World Heritage Sites as well as the setting of listed buildings, and the character and appearance of the Bath Conservation Area, the public benefits of the development outweigh the less than substantial harm to these heritage assets.

OVERALL PLANNING BALANCE

Para. 134 of the NPPF states that significant weight should be given to development which reflects local design policies and government guidance on design, and/or outstanding or innovative designs which promote high levels of sustainability so long as they fit in with the overall form and layout of their surroundings. The application site is located within the city centre and historically was in an area of industrial activity and wharfs, in contrast with the more formal layout and functions of much of the rest of the Georgian city, with its own distinct character and buildings of a different scale, architectural style as well as roofscape to that of the Georgian city.

The design of the buildings proposed for the site follow the principles set out in the approved Design Codes and Guidance and represent a modern interpretation of the typical order of buildings in the historic centre of Bath whilst avoiding pastiche. The architectural approach and choice of materials, particularly along the riverside, introduces variety across the site that overcomes concerns regarding a monotonous appearance. The roofscape is in marked contrast to that of the rest of the city centre and Bath generally however it represents an innovative design approach that will deliver high levels of sustainability and contribute to on site biodiversity. Overall, the architectural treatment of the buildings and the materials palette are considered acceptable with details of the materials being subject to separate submission and approval by the Council.

Overall, it is considered that the proposals are in accordance with the relevant policies of the Core Strategy and Placemaking Plan. The NPPF and the Policy SD1 in the Placemaking Plan set out a presumption in favour of sustainable development and it is considered that the proposals will deliver a development that improves the economic, social and environmental conditions in the area and of the wider city.

RECOMMENDATION

Subject to the additional Conditions set out below the reserved matters are approved.

RECOMMENDATION

PERMIT

CONDITIONS

0 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.

0 17051_(00)_098 REV.P2, 099 Rev.P2, 100 Rev.P2, 101 Rev.P2, 102 Rev.P2, 103 Rev.P2, 104 Rev.P2, 105 Rev.P2, 106 Rev.P2, 200 Rev.P2, 201 Rev.P2, 202 Rev.P2, 203 Rev.P2, 204 Rev.P2, 205 Rev.P2, 206 Rev.P2, 310 Rev.P2, 311 Rev.P2, 312 Rev.P2, 313 Rev.P2; 17051_01_(21)_101 Rev.P2, 102 Rev .P2; 17051_02_(21)_101

Rev.P2, 102 Rev.P2, 103 Rev.P2, 104 Rev.P2, 105 Rev.P2; 17051_03_(21)_101 Rev.2; 17051_04_(21)_101 Rev.P2, 102 Rev.P2; 17051_05_(21)_101 Rev.P2, 102 Rev.P2; 1213-010-P3, 1213-011-P3, 1213-012-P3, 1213-013-P3, 1213-014-P3, 1213-018-P2, 1213-019-P2, 1213-423-P2, 1213-434-P2; DOC-16-16542-20210907-SMK-DDM-BNQ-LIA-05A; 270588-00 - Bath Quays North - Service Vehicle Management Plan - 270821

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

1 Lighting Impact Assessment

Lighting within the application site shall be strictly in accordance with approved Parameter Plan 1050-03-3-114 Rev.P5 (Light levels: Illuminance Masterplan Parameters) and as modelled in the Lighting Impact Assessments (Hoare Lee, 7 September 2021 ref. DOC-16-16542-20210907-SMK-DDM-BNQ-LIA-05 and 16 November 2021 ref. DOC-16-16542-20210907-SMK-DDM-BNQ-LIA-06). Prior to installation of any additional external luminaires (including fittings mounted within 500mm of ground level) details of the fittings including their number, locations and specification shall be submitted to and approved by the Local Planning Authority. The application shall be supported by an updated Lighting Impact Assessment to demonstrate that the proposal would not result in light spill onto the River Avon.

Reason: To ensure the habitat for horseshoe bats on the River Avon corridor is protected in accordance with Policy NE3 of the of the Core Strategy and Placemaking Plan (incorporating the Local Plan Partial Update).

2 Light Spill (Detailed Specification)

No works on the above ground structure on any building shall be commenced until technical specifications of the glazing system and any other measures (including building management) required to achieve light spill conditions achieved for the modelled vertical G as set out in Illumination Impact Profile - Bath North Quay Appendix 3.0 (Post Development - Illumination Impact Profile) for that building have been first submitted to and approved in writing by the Local Planning Authority. The buildings shall not be occupied until the mitigation measures for that building have been implemented in full and shall remain for the duration of the development.

Reason: To avoid unacceptable light spill from the development and to avoid harm to wildlife and protected species including bats in accordance with Policy NE3 of the Core Strategy and Placemaking Plan (incorporating the Local Plan Partial Update).

3 Landscaping Details (Roof)

No part of the hard or soft landscaping on the roof of any building (including the installation of photovoltaic panels) shall commence until details and samples of all hard surface materials; technical specifications of photovoltaic cells; soft landscaping/planting specification (including numbers, density, size, species and positions of all plants) and a programme of implementation have been first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies BD1 and SCR2 of the Core Strategy and Placemaking Plan (incorporating the Local Plan Partial Update).

4 Wind Mitigation

Prior to first occupation of the development details of the specification and siting of wind mitigation measures to achieve levels of comfort commensurate with the intended use of the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure acceptable conditions for users of the site in accordance with Policy D3 of the Core Strategy and Placemaking Plan (incorporating the Local Plan Partial Update).

5 EV Charging Points

Prior to first occupation of the development (including use of the car park) details of the location of 10 active vehicle charging points and 103 passive charging points shall be submitted and approved by the Local Planning Authority. The 10 active charging points shall be installed, operational and available for use prior to first occupation of any building and/or use of the car park and shall be maintained for the duration of the development.

Reason: To support the delivery of sustainable modes of travel in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

6 Travel Plan

No later than 6 months from first occupation of any building on the site a Full Travel Plan for the relevant uses in that building shall be submitted to and approved by the Local Planning Authority. The approved Full Travel Plans shall be implemented and the measures contained in them maintained for the duration of the development.

Reason: To support the delivery of sustainable modes of travel in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

7 Car Parking

A maximum of 53 parking spaces shall be made available to occupiers of the Class E(g) (office) floorspace.

Reason: To comply with the terms of the planning permission.

8

PLANS LIST:

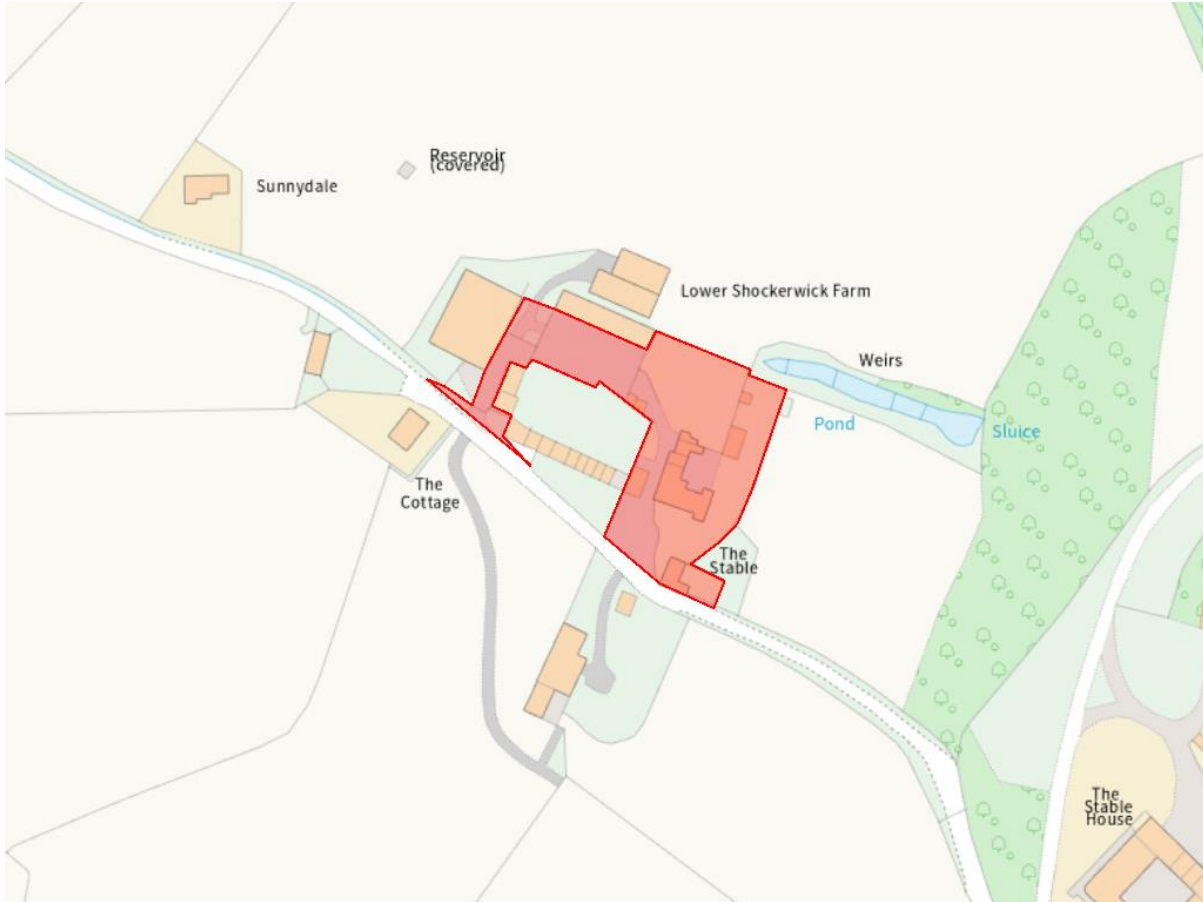
1 s.278 works

For the avoidance of doubt, all landscaping and highway/junction works within the Section 278 Boundary shown on Drawing BQN-ARP-XX-ZZ-DR-C-0903 Rev.P01 require submission to and approval by the Council under s.278 of the Highways Act 1980 and do not form part of the approval under this reserved matters application.

2 Advertisement Consent

For the avoidance of doubt, this approval does not remove the requirement to apply for Advertisement Consent for relevant signage on buildings or elsewhere on the site.

Item No: 02
Application No: 23/04747/FUL
Site Location: Lower Shockerwick Farm Shockerwick Farm Lane Bathford Bath
Bath And North East Somerset



Ward: Bathavon North **Parish:** Bathford **LB Grade:** II

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Full Application

Proposal: Change of use of farmhouse and garage Use Class C3 to residential agritherapy centre (Use Class C2). Farmhouse as weekend holiday let. Erection of extension to farmhouse and internal alterations. Internal alterations to The Stable remaining as a single use dwelling. Conversion of garage into a staff office. Replace existing windows. External works and creation of car park.

Constraints: Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, Policy ST1 Promoting sustainable travel, Policy ST8 Safeguarded Airport & Aerodro,

Applicant:	Mr Jamie Feilden
Expiry Date:	15th March 2024
Case Officer:	Christine Moorfield
To view the case click on the link here .	

REPORT

This application has been called to committee by Cllr Warren for the following reasons: B&NES draft Economic Strategy proposes to support the adoption of regenerative farming whilst providing support to rural businesses with diversification.

This proposal involves the sympathetic restoration, retrofit in line with policy CP1, and extension of a listed building currently in a very poor state of repair. The development will ensure not only that this farm, close to the city of Bath, continues to produce food using regenerative methods that are supportive of the local ecology, exactly in line with the aspiration in the manifesto of the B&NES administration. It will also, importantly, ensure that this listed farmhouse remains connected to the rest of its estate. The proposed diversification of the farm will also enable provision of educational experiences for some of our district's more vulnerable young people, as well as for young people visiting from other parts of the country. This is a worthwhile application which is deserving of support.

Cllr Kevin Guy also called the applications to committee for the following reasons: I would like to add my support for the planning application from Jamie's Farm that is currently under consideration.

The scheme proposed will ensure that a listed building, currently in a poor state of repair, is restored and well maintained, as well as existing agricultural land being protected through their regenerative farming approach.

Jamie's Farm seem to have taken all responsible actions with regard to heritage, highways, ecological and structural surveys. The work they do with disadvantaged children in BANES is important in the wider social context and I support the application.

The Chair and Vice Chair have both agreed the applications should be considered by Committee.

The Chair has stated:

I have discussed these associated applications with the Vice-Chair.

We are in agreement that these should be referred to the planning committee for final determination. We note the arguments put forward by the two ward councillors, and note the reason given by the officer for the recommendation to refuse these applications. The committee would wish to weigh harms against any benefits and planning gains in these unusual applications

The Vice Chair has stated:

The Chair and I are sympathetic to the time frame for these two applications to be determined and in all cases, we seek to determine all applications within the statutory time frames or with agreement of the applicant. Notwithstanding the present lack of comments from the conservation team it does appear that this is the only outstanding objection and thus the sole reason for recommending refusal on both the full and listed building applications.

The views expressed by the ward Councillors justify the approval of the development in principle in respect of the Council's manifesto and strategies and in seeing substantial improvement to the condition of listed building. Whilst these are not reasons alone to approve development under planning policy, the support of members of the community and Bathford Parish Council are also noted.

This is a detailed and diverse proposal so it would be in the interests of the committee to consider the merits. This is in addition to determining whether what is presumed to be the less than substantial harm to the listed building and whether any public benefits would outweigh that harm.

BACKGROUND

This application is considered in parallel with application 23/04748/LBA

This application is for the change of use of farmhouse and garage Use Class C3 to residential agritherapy centre (Use Class C2). Farmhouse as weekend holiday let. Erection of extension to farmhouse and internal alterations. Internal alterations to The Stable remaining as a single use dwelling. Conversion of garage into a staff office. Replace existing windows. External works and creation of car park.

Lower Shockerwick is a historic farmstead within Green Belt, Cotswolds AONB, and the indicative landscape setting of the Bath World Heritage Site. The Farmhouse and its associated curtilage buildings are Grade II listed.

The long term master plan for this proposal is that Jamie's Farm runs regenerative working farms across the UK. They do not plan to diversify from the agricultural use of Lower Shockerwick Farm, the long-term master plan is to re-instate the entire farmyard to its original use and continue to focus on regenerative farming practices across the 200 acres. They focus on soil regeneration, increasing biodiversity, and enhancing ecosystems; protecting high grade agricultural land and producing high quality livestock which we sell to local farmers and butchers.

Jamie's Farm has extensive knowledge and experience of planting herbal leys, managing low input grassland, restoring and planting new hedgerows and delivering large scale fencing projects across all their farms. They have been successful recipients of many grants from the Countryside Stewardship scheme and have recently been awarded £225,000 for capital expenses at Lower Shockerwick Farm which will be used to ensure fencing, herbal leys and new hedges can be quickly erected and planted. They have a strong track record for protecting and enhancing high grade agricultural land.

HISTORY

There is no recent planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

5 letters of support have been received

Sensitive scheme

Good project to help young people

Cllr Warren

B&NES draft Economic Strategy proposes to support the adoption of regenerative farming whilst providing support to rural businesses with diversification.

This proposal involves the sympathetic restoration, retrofit in line with policy CP1, and extension of a listed building currently in a very poor state of repair. The development will ensure not only that this farm, close to the city of Bath, continues to produce food using regenerative methods that are supportive of the local ecology, exactly in line with the aspiration in the manifesto of the B&NES administration. It will also, importantly, ensure that this listed farmhouse remains connected to the rest of its estate. The proposed diversification of the farm will also enable provision of educational experiences for some of our district's more vulnerable young people, as well as for young people visiting from other parts of the country. This is a worthwhile application which is deserving of support.

Cllr Kevin Guy

I would like to add my support for the planning application from Jamie's Farm that is currently under consideration

The scheme proposed will ensure that a listed building, currently in a poor state of repair, is restored and well maintained, as well as existing agricultural land being protected through their regenerative farming approach.

Jamie's Farm seem to have taken all responsible actions with regard to heritage, highways, ecological and structural surveys. The work they do with disadvantaged children in BANES is important in the wider social context and I support the application.

Please could I ask that this application is referred to committee should officers be inclined to refuse it.

HIGHWAYS

The site location is isolated from built up areas with very limited access to local facilities within reasonable walking or cycling distance of the site. However, the highway authority acknowledges that the proposed use of the site by very nature of the proposed operation needs to be located in rural areas where accessibility by sustainable modes of transport will be limited.

The proposed parking and standard of access would be suitable for the intended use.

In summary the highway authority raises no objection to the proposal however, a condition requiring the parking to be provided is necessary.

BATHFORD PC-No objections

ARCHAEOLOGY

Based on the submitted information it is very unlikely that this proposal it will impact on significant archaeological remains and so we have no objections to the development.

LANDSCAPE

The site lies within the Cotswolds National Landscape (AONB) and the Green Belt and is also covered by Policy NE1 which seeks to protect and enhance green infrastructure.

The proposed extension and alterations to the farmhouse are modest in scale and would be of a 'lightweight agricultural aesthetic', using traditional materials that are sympathetic to those of the existing farmhouse and appropriate to the AONB context.

No adverse landscape or visual effects are anticipated, and the details of landscape and external works proposals can be secured by Condition.

Future intentions as indicated in the long-term masterplan set out in the Planning Statement for the reinstatement of the entire farmyard to original uses and regeneration of some 200 acres of AONB farmland will bring opportunities for ecological, green infrastructure and landscape enhancement which are strongly supported.

A condition requiring landscaping details is considered necessary.

TREES

It is not envisaged that there will be an adverse impact on existing trees subject to precautionary measures being taken to avoid accidental damage.

Tree protection measures should ensure that activities such as upgrading the capacity of the sewage treatment plant avoid harm to neighbouring trees.

Further information has been provided to indicate tree protection which has been seen to be acceptable.

DRAINAGE

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

ECOLOGY

As originally submitted the details in respect of ecology matters were not considered to have been adequately addressed.

-The preparation of a shadow HRA would be useful. Internal and external lighting details. Sufficient information to demonstrate that there will be no light spill above 0.5 lux onto potential dispersal corridors or the compensatory bat roosts. Details of any habitat removal and replanting.

-Results of the additional hibernation surveys. Justification regarding survey effort for B4 or further bat surveys required. Confirmation regarding proposals for The Privy and bike store.

- Further information is requested regarding the classification of the roosts particularly the maternity and satellite lesser horseshoe roosts.

- Further details of compensatory roosting provision to demonstrate that the Poultry Pens and Void Beneath Farmhouse will be suitable for a lesser horseshoe satellite roost and greater horseshoe day and night roost. The compensatory bat roost provision (including bat access, enhancement features and dimensions) needs to be confirmed on architectural plans.

- Compensatory nesting provision for swallows.

- Enhancements for wildlife need to be incorporated into the scheme.

Further information has been submitted and the new/revised information addresses the majority of previous comments made. No habitat enhancement or creation is proposed. Revisions i.e. habitat enhancement or creation are requested to address comments from Natural England and to accord with Policy D5e.

A Habitats Regulations Assessment is appended which concludes that there is not a credible risk of significant negative impacts on the Bath and Bradford-on-Avon Bats Special Area of Conservation based on the details submitted. The HRA will need to be

agreed with Natural England. Providing that planting is satisfactorily addressed, then conditions should be attached to secure bat and wildlife mitigation scheme (which for bats can be in the form of Natural England licence documentation), wildlife compensation & enhancements, a compliance report and sensitive lighting.

NATURAL ENGLAND

As submitted, the application could have potential significant effects on the Bath and Bradford on Avon Bats SAC. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been provided.

Natural England's further advice on designated sites is set out below.

CONTAMINATION

Taking account of the sensitive nature of the proposed re-development (i.e. including ongoing residential) and the potentially contaminative use of the site as a farm/agriculture use which may have included storage of vehicles and agricultural machinery, storage of chemicals such as pesticides and herbicides and storage of fuels and oils, conditions and advisory note in respect of the following are considered necessary should the application be granted permission:

Condition - Reporting of Unexpected Contamination

Advisory Note - Desk Study and Walkover

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

CP6: Environmental quality

CP8: Green Belt

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council

on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

BD1: Bath design policy

D1: General urban design principles

D2: Local character and distinctiveness

D5: Building design

D6: Amenity
GB1: Visual amenities of the Green Belt
HE1: Historic environment
NE2A: Landscape setting of settlements
RE3: Farm diversification
RE4: Essential dwellings for rural workers
RE6: Re-use of rural buildings
RE7: Visitor accommodation
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 within 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

GB3: Extensions and alterations to buildings in the Green Belt

NE2: Conserving and enhancing the landscape and landscape character

NE3: Sites, species, and habitats

NE3a: Biodiversity net gain

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:

Transport and Development Supplementary Planning Document (January 2023) is also relevant

in the determination of this application.

The Existing Dwellings in the Green Belt Supplementary Planning Document (October 2008) is

also 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).

LISTED BUILDINGS:

In addition, there is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for

development which affects a listed building or its setting' to 'have special regard to the desirability

of preserving the building or its setting or any features of special architectural or historic interest

which it possesses

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues in respect of these proposals are considered to be as follows:

PRINCIPLE OF THE DEVELOPMENT

In summary the proposed works are for the change of use of the farmhouse to Use Class C2 and it is proposed when not used as an Agri therapy centre the farmhouse will be used for holiday accommodation.

The main farmhouse is to be refurbished and an extension is proposed at the rear of the farmhouse extending the existing kitchen and extending over existing out buildings at the lower ground floor level.

The existing dwelling the Stables is to be a Class C3 dwelling house offering accommodation for a full-time worker on the site.

Car parking will be provided in the farmyard.

The existing garage will be converted to provide associated office space.

Other works of refurbishment are proposed throughout the site including new windows.

In support of this application an outline management plan of how the holding will operate has been provided. As is set out in the submitted statement Jamie's Farm exists to provide support to young people who are at risk of academic or social exclusion. This is done through 'farming, family, therapy and legacy'. This proposal will boost Jamie's Farm's capacity to deliver transformative residential visits for disadvantaged children while providing environmental benefits.

Jamie's Farm runs 'regenerative' working farms across the UK. They will continue to farm the land alongside re-instating the entire farmyard to its original use with the instatement of 'regenerative farming practices' across the entire 200 acres. Their focus is on soil regeneration, increasing biodiversity, and enhancing ecosystems; protecting high grade agricultural land and producing high quality livestock which we sell to local farmers and butchers.

The operators (Jamie's Farm) have extensive knowledge and experience of planting herbal leys, managing low input grassland, restoring, and planting new hedgerows and delivering large scale fencing projects across their farms.

The Charity's business model therefore combines instatement and operation of sustainable farming practices along with providing support for vulnerable young people.

In this instance much of the land has previously been rented by the applicants and run in conjunction with their existing operation near Box. The opportunity to purchase the land and buildings will enable Lower Shockerwick Farm to be run as its own, fully operational unit, and to deliver additional 'agri-therapy' provision that will benefit around 450

disadvantaged children every year for whom it will also provide an introduction to agriculture and the countryside as well as domestic skills.

Farm Diversification

Placemaking Plan POLICY RE3: Farm Diversification states Proposals for farm diversification involving the use of agricultural land or buildings will be permitted providing:

- i they are consistent with Policy RE5 (protection of high-grade agricultural land)
- ii they complement the agricultural function of the holding.
- iii they do not compromise the agricultural function of the holding or lead to the fragmentation or severance of a farm holding.
- iv the activity will not lead to an unacceptable impact on the viability of nearby town or village centres.
- v in the case of a farm shop, the operation would not prejudice the availability of accessible convenience shopping to the local community
- vi they do not compromise key ecological function or key habitat integrity
- vii existing buildings are re-used in accordance with Policy RE6 Where existing buildings cannot be re-used in accordance with Policy RE6, new buildings will be permitted only where they are required for uses directly related to the use of or products from the associated land holding, are small in scale, well designed and grouped with existing buildings.

This scheme as proposed complies with i, ii, iii in that the proposed operations will enhance the use of the agricultural land and unit as a whole. The relatively isolated position of the farm means the proposal will comply with iv and it should be noted impact on the amenity of neighbours is discussed below.

v is not relevant to this proposal.

With regard to RE6 proposes the reuse of the existing buildings, the only additional development is the rear extension to the main farmhouse.

POLICY RE6: Re-use of Rural Buildings Conversion of a building or buildings to a new use in the countryside outside the scope of Policies RA1, RA2 and GB2 will only be permitted, provided:

- 1 its form, bulk and general design is in keeping with its surroundings and respects the style and materials of the existing building.
- 2 the building is not of temporary or insubstantial construction and not capable of conversion without substantial or complete reconstruction or requires major extension .
- 3 the proposal would enhance visual amenity and not harm ecological function (e.g. bat roost)
- 4 the proposal does not result in the dispersal of activity which prejudices town or village vitality and viability.
- 5 where the building is isolated from public services and community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or disused building and any enhancement to its immediate setting outweighs the harm arising from the isolated location.
- 6 the development would not result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity.
- 7 in the case of buildings in the Green Belt, does not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt.

8 The integrity and significance of buildings and farmsteads of architectural and historic interest and of communal, aesthetic and evidential value are safeguarded consistent with Policy HE1.

With regard to the above criteria, criterion 1 is addressed in the Impact on the Listed Building section below.

The proposals comply with criterion 2 as the three buildings namely the main farmhouse, The Stable and the garage are all buildings of substantial construction.

Criterion 3 is addressed in the Ecology section below.

Criteria 4, 5 and 6 are not considered relevant as the existing agricultural use is to remain.

Criteria 7 is addressed below; the proposal represents appropriate development in the green belt.

Criterion 8 is addressed in the Listed Building Section below.

It is recognised that the proposed holiday let use of the farmhouse is proposed as a subsidiary use in order that additional income can be generated to support the main Class C2 use of this site. As the residential Agri therapy centre operates during term time this subsidiary use will operate outside of these times and weekends. A condition in this respect is considered necessary.

Visitor accommodation.

POLICY RE7: Visitor Accommodation states that for new visitor accommodation permission will be granted provided:

a it is in a sustainable location or accessible by a choice of transport modes.

b there are no other buildings available and suitable for conversion

c the scale of the proposal will not harm the character or appearance of the countryside

d the materials, form, bulk, and general design of buildings are in keeping with their rural surroundings

e there is safe and convenient access to the highway network and there are no significant adverse impacts on the local highway network

f the proposal would not adversely affect protected species or habitats.

2 Where a proposal for visitor accommodation is approved appropriate planning conditions will be used to prevent permanent residential use of the accommodation.

Change of use from a dwelling to visitor accommodation

3 The change of use of an existing dwelling to visitor accommodation will be permitted provided that:

a- for large residential properties, a substantial private residential unit is retained, and any existing or proposed parking within the curtilage of the property which does not detract from the appearance of the property is made permanently available; and

b- for small residential properties, a satisfactory residential accommodation is retained which is not occupied independently of the proposed use.

The site by its nature as an operating farm is located away from any settlement and there are no real public transport alternatives to access the site. The use of the main farmhouse as a C3 residential unit would not conflict with development policy given its existing use. The Stables will have a C3 use thereby retaining a residential unit on the site given the scale of the farmhouse. Issues of access, design (of the extension) and ecology are addressed elsewhere in this report. The proposals are seen to comply with placemaking plan policy RE7.

It is noted that The Stables was granted permission for holiday accommodation in the 1980s and whilst this use may not have been in operation recently it appears not to have been abandoned. This proposal seeks to operate this detached building as a C3 dwelling, thereby retaining a full-time presence on the site. The retention of this building as a residential property means the proposal does not conflict with Policy H5 Retention of Existing Housing Stock as there is no net loss of residential units on the site.

A condition in respect of the occupation of this dwelling will be necessary to retain a residential unit on the site if permission was granted.

Green Belt

In accordance with Policy GB3, control of development in the Green Belt will be exercised in accordance with national policy.

The NPPF addresses proposals affecting the Green Belt at Para.147. it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to say :

para 148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Para 149 states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this is:

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

At para 150. it states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

(d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

In this situation it is proposed to change the use of the three permanent/substantially constructed buildings. The use of the garage as an associated office is acceptable in principle but would need to be subject to a condition restricting its use to ancillary to the main operations of the site.

The proposed car park will be located within the existing farmyard screened by buildings thereby not harming the openness of the green belt.

Regarding the proposed extension to the farmhouse it is, in terms of volume proportionate. It does not exceed a volume increase of about one third as specified in the Councils SPD 'extensions to houses in the green belt'.

In addition, the impact on the openness or the purposes of including land within the green belt, must be considered. Given the siting and scale of the extension proposed it is not considered to represent inappropriate development in the Green Belt or to be harmful to openness or the purposes of including land within the green belt.

The proposals in terms of the changes of use carparking area and extension to the main house are not inappropriate development within the green belt and therefore, the proposals comply with policy CP8 of the Core Strategy, policy GB1 of the Placemaking Plan, policy GB3 of the Local Plan Partial Update and part 13 of the NPPF.

Impact on the AONB

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

The impact on the landscape is an important consideration given the siting of the holding within the AONB. The proposals are not considered to give rise to adverse landscape or visual effects. The intentions to reinstate the entire farmyard to original uses, and to regenerate the 200 acres of associated AONB farmland, are seen to be a benefit and will bring opportunities for ecological, green infrastructure and landscape enhancement that is supported.

Historic farmsteads of this nature are typical of the Cotswolds landscape and contribute to the character of its AONB. By maintaining and enhancing the farmhouse and associated outbuildings through reinstating a beneficial use, they will retain and enhance the contribution that they make to their landscape context, with potential further enhancements through the future sustainable agricultural tenure and husbandry proposed. Subject to conditions in respect of the details of landscape and external works the application proposals are acceptable. Overall, the proposal is considered to comply with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan and part 15 of the NPPF.

Impact on the Listed building

Lower Shockerwick is a historic farmstead within Green Belt, Cotswolds AONB, and the indicative landscape setting of the Bath World Heritage Sites. The Farmhouse is picturesque Grade II detached building. It is considered to be a mid-17th century house remodelled in 1793 (according to the date stone). To south of the Farmhouse, there is Grade II listed

Stables, which were converted into the residential accommodation in the 1980s. To the west there is a range of Grade II listed shelter sheds and barns. Across the lane to the south is a Grade II Threshing Barn and Granary. To the east and in the wider setting there is Lower Shockerwick, a Grade I country house, and Grade II Coach House and Garden House.

Lower Shockerwick Farm was referred to as Home Farm and was part of the large country estate.

Lower Shockerwick Farmhouse has a L-shaped plan form and is set within sloping site. The principal range is two storeys with dormers serving the accommodation in the roof. It has a distinct gambrel roof covered in stone slates. The lower ground floor under the main range appears to be an older structure with There is a two-storey service range with a hipped roof, which has Kitchen at first floor level and a series of stores underneath.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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.

The proposed works are as follows:

Change of use of farmhouse and garage Use Class C3 to residential agritherapy centre (Use Class C2). Farmhouse as weekend holiday let. Erection of extension to farmhouse and internal alterations. Internal alterations to The Stable remaining as a single use dwelling. Conversion of garage into a staff office. Replace existing windows. External works and creation of car park.

These proposals require significant and cumulative alterations to the listed buildings.

Farmhouse extension:

An extension to the existing service range is proposed which is sited over the existing range which currently comprises stores and enclosures which have significant historic interest.

There is significant concern with the extension in principle and in respect of detailed design and resulting harm to historic fabric:

- The size, scale, bulk and massing is unacceptably dominating and thereby harms the character and appearance the principal listed building. The extension seeks to almost double the length of the existing historic range adding a first floor level (due to the topography of the site).
- Whilst the scale of the extension is considered unacceptable the harm is exacerbated by the design including the scale of openings and the use of timber cladding both of which are uncharacteristic.

- The extension also requires the removal of the end wall of the existing kitchen and hence will result in the loss of this historic fabric and will be harmful to the plan form of the building.
- The extension will require underpinning for its construction - this is not to address any existing structural issue. This is a significant intervention and risk to historic fabric in a location which is one of the oldest and significant elements of the listed building. The extent of works needed to construct the extension are such that this part of the building will not retain its existing historic integrity. This area (and in particular Store 5) has rare surviving interior features including a fireplace with a significant ashlar arch and moulded mantle shelf, a cast iron oven and a copper furnace. It is likely it was a detached washhouse/ kitchen/ dairy/brewhouse, and it is an important reminder of the functions of the farmhouse. Despite being attached to the kitchen range, it has retained its sense as a separate entity because of its single storey form and varied roof form.
- The extension will erode the legibility of the service range and outbuildings and impact on the hierarchy of historic development, oversailing the stores and the smaller outbuildings, altering and engulfing them.

Works to two storey outshot:

At the rear of the main range there is a two-storey outshot. It appears the ground floor was added in the early 20th century and subsequently the first floor bathroom was added. It is proposed to extend the outshot so that it meets the parapet of the principal range and will intersect the cornice, which is currently uninterrupted. The purpose is to incorporate additional insulation. Whilst this impacts appearance, given that this is a later addition and the impact limited, it is not of concern.

Fire safety works:

The change of use of the farmhouse triggers the requirement for a range of fire protection measures.

- On the lower ground, ground, first and second floor it is proposed to upgrade the 'soffits' There are historic lath and plaster ceilings which would likely be harmed by such works (although the extent of the alteration needed has not been clarified)
- The introduction of a sprinkler system will require the installation of multiple mist heads within the ceilings associated pipework throughout the building, again impacting historic fabric and character.
- Whilst these works could be balanced against benefits of the scheme they add to the cumulative impact of harm all stemming from the proposed change of use.

Opening up of kitchen ceiling:

There are concerns with raising of the ceiling to form a vaulted space which has not been justified in terms of the historic character of this space notwithstanding that the fabric of the ceiling itself is modern.

Works to the roof:

As well as long term lack of maintenance and inappropriate repair, there is indicated to be an inherent problem with the design of the roof and rainwater disposal from the parapet gutters given the impact of heavier rainfall events.

It is proposed as part of the application to change the detailing of the parapet gutters from lead to stainless steel, and hence modern detailing and insulation. Whilst full explanation of the issue and solution and its justification is still needed this aspect could be resolved as acceptable give the circumstances.

It is also proposed to replace the dormers, which are in poor condition and likely a later addition. This will include addition of insulation and hence change in detailing. Again, given the current condition, this aspect could be resolved as acceptable give the circumstances.

Windows in main building:

It is proposed to replace all of the glazing in the main building windows with vacuum glazing in new timber frames or metal frames. As the existing are not of historic interest this is considered acceptable. However there are concerns with the introduction of aerogel insulation to the stone mullions which could be omitted.

Works to the stable

This detached two storey dwelling was converted into holiday accommodation in the 1980s. The conversion removed many of the internal and external features, which would have reflected its former function and gave it a domestic character. The proposed internal changes and agreed changes to windows with vacuum glazing are not therefore considered to harm its significance.

Works to the garage:

The garage, curtilage listed as part of the complex of barns, was altered into a garage in the 20th century. The proposed internal changes and changes to openings are not therefore considered to harm its significance.

Parking:

The parking is shown to be located in the existing farmyard and will be access via an existing tracked way. As such it is not considered detrimental to the setting of the farmstead.

It is concluded that the harm caused to the designated heritage asset, is, in the language of the NPPF, less than substantial but to the upper end of this given the impact of the proposed extension and the cumulative impact with other changes needed to accommodate the proposed use.

In such circumstances Paragraph 208 of the NPPF (2023) requires that any harm be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

Environmental benefits include the beneficial use of the buildings and the facilitating of farm diversification that will contribute to the instatement of regenerative agricultural stewardship. There are also social benefits for disadvantaged children both of these are afforded weight.

However, the proposals are considered to cause harm to the significance of the listed buildings and their setting. Any harm is a disbenefit and must be also be considered and given weight in the decision making process.

While there are elements of the proposal, which could be resolved with further information or could be acceptable in isolation, the scheme overall is considered to cause harm to the significance of the listed building and its setting. In line with the NPPF this is considered to be less than substantial harm and at the higher end of spectrum. It is also contrary to policy HE1 of the Placemaking Plan.

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.

In this instance whilst the proposed kitchen extension is shown as an extension of the existing kitchen in terms of its roof form height width etc it is shown to result in an enlarged rear element to the property out of scale with the main house. The extension is shown to be constructed of timber cladding and the windows in terms of their shape and subdivision do not reflect the character and or appearance of the host dwelling. Therefore, the extension by reason of its design, siting, scale, and materials is unacceptable and does not contribute and respond to the local context and maintain the character and appearance of the host dwelling. The proposal fails to accord with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

HIGHWAYS AND ACCESS

The application site is located within the hamlet of Shockerwick, which is a settlement isolated from built up areas with very limited access to local facilities within reasonable walking or cycling distance of the site. Whilst there are some local Public Rights of Way which facilitate off-road pedestrian movements, these do not provide a coherent route to any key local destinations. There are also no strategic cycling routes or infrastructure local to the site, meaning that the site is considered to have poor accessibility by cycling for all but confident road cyclists.

The nearest bus stops are located on the A4 Bath Road, approximately 750m walking distance via the local road network. Whilst these bus stops are served by three bus routes which provide a reasonably frequent service to locations such as Bath, Box, Melksham, Devizes, Corsham and Chippenham, the bus stop infrastructure is limited with the southbound stop being only a small area for standing with a flag and pole, and the northbound stop having no formal designation. There is also no crossing facility between the stops, despite the A4 being a busy highway at this location. As such the accessibility of the site by public transport is poor.

On this basis, future residents at the site will more than likely be required to travel by vehicular modes to access the site. Policies ST1 and ST7 of the B&NES LPPU seek to secure development which is located where there are "genuine" and "realistic" opportunities to travel by sustainable modes of transport. The development could therefore be considered contrary to the key aims of Policy ST1 and ST7 of the LPPU, however Transport Development Management (TDM) acknowledge that the proposed use of the site by the very nature of the proposed operation needs to be located in rural areas where accessibility by sustainable modes of transport will be limited.

Access

Access to the site is currently available via Shockerwick Farm Lane to the front of the farmhouse building, which will be retained under the proposals.

Vehicle Parking

Vehicle parking should be provided in accordance with adopted vehicle parking standards, as outlined in the B&NES Transport & Developments (T&D) Supplementary Planning Document (SPD). The proposed development is located in Zone D of the Parking Standards Zones, which requires C2 development to provide parking using an evidence-based approach which is agreed with the Local Highway Authority (LHA). The proposed parking and standard of access as shown would be suitable for the intended use. In summary the proposal subject to a condition requiring the parking to be provided and retained is acceptable.

Bicycle Parking

Bicycle parking should be provided in accordance with adopted parking standards, as outlined in the B&NES T&D SPD, which requires C2 development to provide storage for one bicycle per four members of staff, and 1 space per 2.5 students.

Whilst these are the standards required as it is recognised students will not be arriving separately it is considered the bicycle parking should be provided for visitors and therefore a condition to this effect is considered necessary.

Refuse & Recycling

The submitted plans indicate on-site storage and collection of refuse and recycling containers in accordance with B&NES Waste and Recycling Planning Guidance and therefore, this element of the proposal is considered acceptable.

IMPACT ON RESIDENTIAL AMENITY.

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

The site is located in a relatively remote location with few neighbours at a distance and no objections to the proposal have been received.

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

ECOLOGY

As originally submitted the details in respect of ecology matters were not considered to have been adequately addressed. Further information has been submitted.

The new/revised information submitted addresses the majority of previous comments made by the Councils Ecology Officer. No habitat enhancement or creation is proposed. Revisions i.e. habitat enhancement or creation are requested to address comments from Natural England and to accord with Policy D5e.

A Habitats Regulations Assessment is appended which concludes that there is not a credible risk of significant negative impacts on the Bath and Bradford-on-Avon Bats Special Area of Conservation based on the details submitted. The HRA will need to be agreed with Natural England and this has now been sent to them for comment.

Providing that planting is satisfactorily addressed, then conditions should be attached to secure bat and wildlife mitigation scheme (which for bats can be in the form of Natural England licence documentation), wildlife compensation and enhancements, a compliance report and sensitive lighting.

The proposals are seen to comply with the 3 tests in that the purpose of the licence has a valid basis; the proposals indicate a low impact given the existing situation is retained and the area will be retained and therefore, granting the licence won't cause long-term impacts on the species concerned.

Habitats Regulations Assessment (HRA) process has been undertaken and sent to Natural England. They have been reconsulted and their response is awaited.

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.

In this instance the applicants have submitted details of the works to be undertaken and this has been seen to be acceptable subject to the HRA being agreed by English Nature. The development complies with this policy.

Biodiversity Net Gain (BNG)

Given that the proposals include renovation of structures, provision of additional car parking in an existing farmyard (and will utilise an existing access track) and no semi-natural habitats will be impacted. It is therefore acknowledged that policy NE3a does not apply to this application.

TREES

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

It is not envisaged that there will be an adverse impact on existing trees subject to precautionary measures being taken to avoid accidental damage.

Tree protection measures should ensure that activities such as upgrading the capacity of the sewage treatment plant avoid harm to neighbouring trees.

Further information has been provided to indicate tree protection which has been seen to be acceptable and a condition requiring these measures to be put in place prior to the commencement of development is seen to be necessary.

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

DRAINAGE

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

ARCHAEOLOGY

It is not considered that this proposal will impact on significant archaeological remains and so the development is seen to be acceptable.

CONTAMINATION

Taking account of the sensitive nature of the proposed re-development (i.e. including ongoing residential) and the potentially contaminative use of the site as a farm/agriculture use which may have included storage of vehicles and agricultural machinery, storage of chemicals such as pesticides and herbicides and storage of fuels and oils, conditions, and advisory note in respect of the following are considered necessary should the application be granted permission:

Condition - Reporting of Unexpected Contamination

Advisory Note - Desk Study and Walkover

PUBLIC SECTOR EQUALITY DUTY

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

Section 149 provides that the Council must have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Council has discharged its public sector equalities duty in relation to the planning application process, including preparation of the Local Plan and in relation to community involvement in the planning process. Officers have had due regard to relevant protected characteristics when assessing the current application and development. It is concluded that neither granting or the refusal of this application would be likely to specifically impact on protected groups.

Planning Balance and conclusion

In this case it is concluded that the harm caused to the designated heritage asset, is, in the context of the significance of the asset as a whole and in the language of the NPPF, less than substantial being towards the upper end of the spectrum.

In such circumstances Paragraph 208 of the NPPF (2023) requires that any harm be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

On balance, given the significant impact of the proposed extension, associated harm and potential loss of early historic fabric and changes associated with the proposed change of use, the public benefit would be insufficient to outweigh the less than substantial harm identified. As such, the proposal would not comply with paragraph 208 of the NPPF.

The Council has a statutory requirement under Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above and in this instance the proposed extension and accumulation of associated works would fail to preserve the special interest of the listed building and as such this proposal would fail to meet this requirement.

Taking account of the above it is considered that the proposed development is not consistent with the aims and requirements of the primary legislation, planning policy or guidance. The proposed works would result in an unacceptable level of alteration to the building and a dominant addition to the listed building that would harm its significance as a designated heritage asset. The proposal would not, therefore, comply with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

RECOMMENDATION REFUSE

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

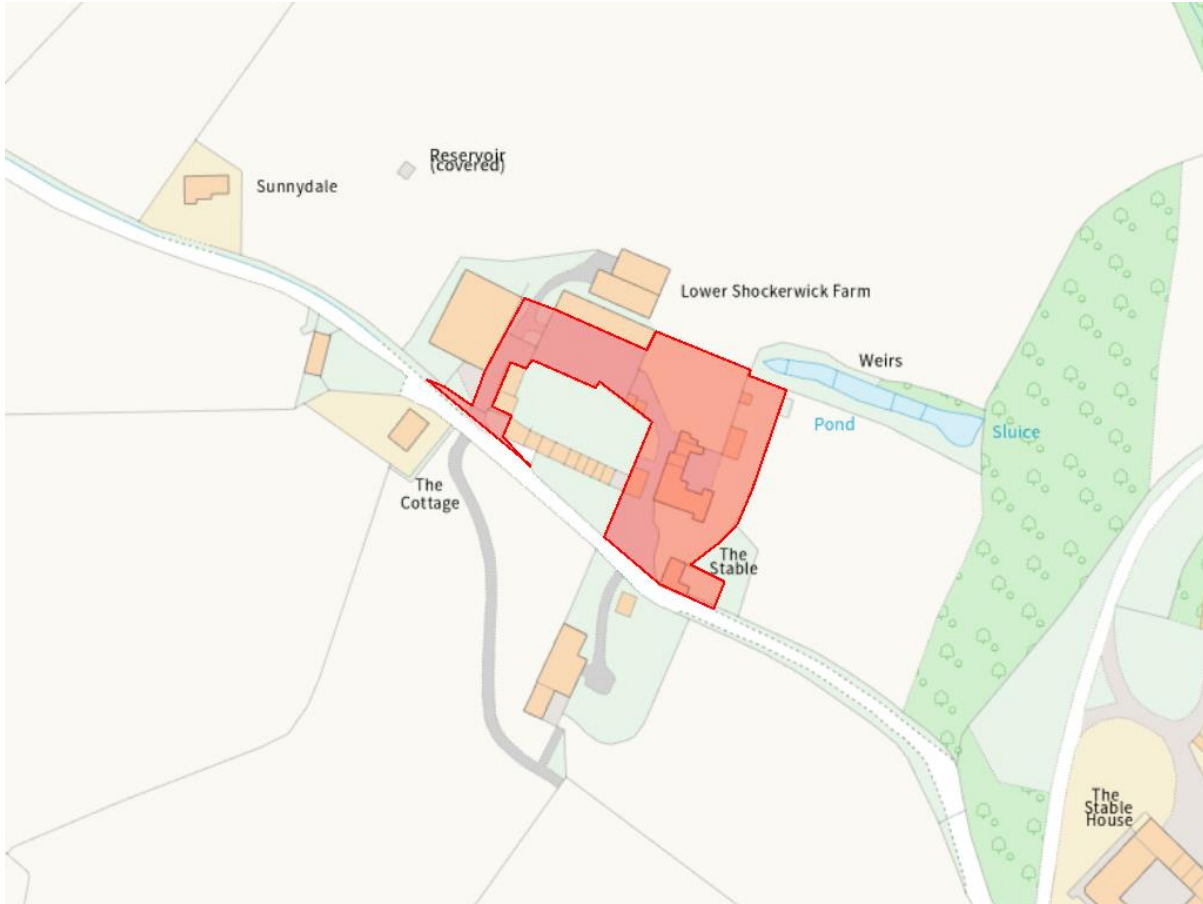
1 The proposed rear extension to the kitchen and associated underpinning would result in harm to historic fabric, plan form and character of the listed building. The cumulative alterations to the listed building as a result of works required to facilitate the proposed C2 Use result in harm to the fabric of the Listed Building. As such it is considered that the proposed development would not accord with the duties of the primary legislation, nor the aims or objectives of national and local planning policy and guidance as it relates to the historic environment and would harm the significance of the designated Heritage assets. As such the development does not accord with policy CP6 of the adopted Core Strategy (2014) or Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) or Part 16 of the NPPF. In this case it is concluded that the harm caused to the designated heritage asset, is, in the context of the significance of the asset as a whole and in the language of the NPPF, less than substantial. Whilst in this instance there are significant environmental and social benefits and moderate ecological benefits they are not considered to outweigh the considerable importance and weight to be given to the harm to the designated heritage asset. As such, the development would not comply with paragraph 208 of the NPPF.

2 The proposal rear kitchen extension by reason of its design, large scale, massing, fenestration details and materials is unacceptable and fails to contribute and respond to the character and appearance of the host dwelling and therefore, the proposal does not accord with policy CP6 of the Core Strategy, policies D1, D2, D3, and D4 of the Placemaking Plan, policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

PLANS LIST:

1 845 FP 006D 27th march 2024
845-S- 002A, 003, 004, 110, 111, 112, 113, 131, 132, 210, 211, 212, 213, 214, 220, 300, 400A, 401A, 402A, 403, 404A, 405, 406A and 407A.

Item No: 03
Application No: 23/04748/LBA
Site Location: Lower Shockerwick Farm Shockerwick Farm Lane Bathford Bath
Bath And North East Somerset



Ward: Bathavon North **Parish:** Bathford **LB Grade:** II

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Listed Building Consent (Alts/exts)

Proposal: Change of use of farmhouse and garage Use Class C3 to residential agritherapy centre (Use Class C2). Farmhouse as weekend holiday let. Erection of extension to farmhouse and internal alterations. Internal alterations to The Stable remaining as a single use dwelling. Conversion of garage into a staff office. Replace existing windows. External works and creation of car park.

Constraints: Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr Jamie Feilden

Expiry Date:	15th March 2024
Case Officer:	Christine Moorfield
To view the case click on the link here .	

REPORT

This application has been called to committee by Cllr Warren for the following reasons: B&NES draft Economic Strategy proposes to support the adoption of regenerative farming whilst providing support to rural businesses with diversification.

This proposal involves the sympathetic restoration, retrofit in line with policy CP1, and extension of a listed building currently in a very poor state of repair. The development will ensure not only that this farm, close to the city of Bath, continues to produce food using regenerative methods that are supportive of the local ecology, exactly in line with the aspiration in the manifesto of the B&NES administration. It will also, importantly, ensure that this listed farmhouse remains connected to the rest of its estate. The proposed diversification of the farm will also enable provision of educational experiences for some of our district's more vulnerable young people, as well as for young people visiting from other parts of the country. This is a worthwhile application which is deserving of support.

Cllr Kevin Guy also called the applications to committee for the following reasons:

I would like to add my support for the planning application from Jamie's Farm that is currently under consideration.

The scheme proposed will ensure that a listed building, currently in a poor state of repair, is restored and well maintained, as well as existing agricultural land being protected through their regenerative farming approach.

Jamie's Farm seem to have taken all responsible actions with regard to heritage, highways, ecological and structural surveys. The work they do with disadvantaged children in BANES is important in the wider social context and I support the application.

The Chair and Vice Chair have both agreed the applications should be considered by Committee.

The Chair has stated:

I have discussed these associated applications with the Vice-Chair.

We are in agreement that these should be referred to the planning committee for final determination. We note the arguments put forward by the two ward councillors, and note the reason given by the officer for the recommendation to refuse these applications. The committee would wish to weigh harms against any benefits and planning gains in these unusual applications

The Vice Chair has stated:

The Chair and I are sympathetic to the time frame for these two applications to be determined and in all cases, we seek to determine all applications within the statutory time frames or with agreement of the applicant. Notwithstanding the present lack of comments from the conservation team it does appear that this is the only outstanding objection and thus the sole reason for recommending refusal on both the full and listed building applications.

The views expressed by the ward Councillors justify the approval of the development in principle in respect of the Council's manifesto and strategies and in seeing substantial improvement to the condition of listed building. Whilst these are not reasons alone to approve development under planning policy, the support of members of the community and Bathford Parish Council are also noted.

This is a detailed and diverse proposal so it would be in the interests of the committee to consider the merits. This is in addition to determining whether what is presumed to be the less than substantial harm to the listed building and whether any public benefits would outweigh that harm.

BACKGROUND

This application is considered in parallel with application 23/04747/FUL

This application is for the change of use of farmhouse and garage Use Class C3 to residential agritherapy centre (Use Class C2). Farmhouse as weekend holiday let. Erection of extension to farmhouse and internal alterations. Internal alterations to The Stable remaining as a single use dwelling. Conversion of garage into a staff office. Replace existing windows. External works and creation of car park.

Lower Shockerwick is a historic farmstead within Green Belt, Cotswolds AONB, and the indicative landscape setting of the Bath World Heritage Site. The Farmhouse and its associated curtilage buildings are Grade II listed.

The long term master plan for this proposal is that Jamie's Farm runs regenerative working farms across the UK. They do not plan to diversify from the agricultural use of Lower Shockerwick Farm, the long-term master plan is to re-instate the entire farmyard to its original use and continue to focus on regenerative farming practices across the 200 acres. They focus on soil regeneration, increasing biodiversity, and enhancing ecosystems; protecting high grade agricultural land and producing high quality livestock which they sell to local farmers and butchers.

Jamie's Farm has extensive knowledge and experience of planting herbal leys, managing low input grassland, restoring and planting new hedgerows and delivering large scale fencing projects across all their farms. They have been successful recipients of many grants from the Countryside Stewardship scheme and have recently been awarded £225,000 for capital

expenses at Lower Shockerwick Farm which will be used to ensure fencing, herbal leys and new hedges can be quickly erected and planted. They have a strong track record for protecting and enhancing high grade agricultural land.

HISTORY

There is no recent planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Following comments from the Councils Ecologist further details have been submitted.

The Councils Ecologist has commented as follows:
Bath and Bradford on Avon Bat SAC/Lighting

A component (Combe Down and Bathampton Down Mines SSSI) of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC) is located 2.1km south of the site. The horseshoe roosts on site will form part of the SAC population. The SAC is designated for internationally important populations of horseshoe and Bechstein's bats which hibernate in the mines.

o The Ecology Response produced by Ethos Environmental Planning dated 25th March 2024 verifies that no new external lighting is proposed which is supported. The consultant has also confirmed there will be no new lighting in Store 1 or the Portico, which will protect these light sampling areas from disturbance. This can be secured by condition. Section 10.2 of the Lighting Technical Report produced by Designs for Lighting (DFL) dated April 2024 provides details of internal lighting, this includes the use of downlighters and confirms that all lighting (unless otherwise stated) will emit a warm white colour temperature light of 2700 K or less. It is disappointing that no key has been provided for Figure 9 (of the Lighting Technical Report) to identify the Ecological Receptors and aid interpretation.

o Figure 1 in the Ecology Response shows flight lines and foraging habitat, which is welcomed. The calculations in the Lighting Technical Report are based on the horseshoe bats leaving the bat roosts then flying along the garden hedgerow, before flying towards a larger wooded area in the wider countryside.

The following comments are made:

i) The Additional Vertical Grid calculation (between 0-0.038 lux) demonstrates the main exit of the maternity roost (through the eastern window of Store 1) and the compensatory roost in the vault, will both be subject to light spill < 0.5 lux. Figure 8a demonstrates that the lesser-used maternity roost exit (the bats fly through the northern window of Store 1 then straight into the portico) will also be subject to light spill < 0.5 lux (0.29-0.34 lux). In addition, the Ecology Receptor 3 calculation demonstrates that the flyway through the garden will not be subject to light spill > 0.5 lux (0.005-0.067 lux).

ii) Table 1 of the Ecology Response demonstrates that the western elevation of the staff office comprises a single slit window, it is accepted that will result in minimal light spill on horseshoe bats exiting the compensatory bat roost in the Poultry pens.

o The Ecology Response confirms there will be no habitat removal. Natural England in their comments of 8th March 2024 requested habitat creation or enhancement on site, which provides good quality habitats for horseshoe bats such as improvements to habitats on site to enhance their foraging value to these species. This should be satisfactorily addressed to accord with Policy D5e.

The ecologist has completed a Habitats Regulations Assessment (Appropriate Assessment) for the site. Based on the information provided, the HRA concludes that there is no risk of significant negative impacts on the Bath and Bradford-on-Avon Bats Special Area of Conservation, providing mitigation commitments are met including securing compensatory roosting provision and sensitive lighting by condition. The HRA will need to be agreed with Natural England who have been reconsulted.

As per request from Natural England due to the site's sensitive location, all external lighting should have an Upwards Light Ratio of 0% and a peak wavelength higher than 550nm in line with ILP/BCT 2023 guidance. This can be secured by condition.

Bats

Hibernation surveys- The results of the full suite of hibernation surveys have been provided in the letter.

This included a visual search using artificial light (torch with red filter) and endoscope to search areas shown at Figure 2 of the Ecology Response. A maximum count of two lesser horseshoe and one greater horseshoe have been recorded hibernating in The Cellars

(Building A). The open arch on the east of the farmhouse was not considered to be a hibernation roost, as the two soprano pipistrelles observed on 5th March 2024 were not present one week later suggesting they were not in torpor (also confirmed by surveyor observations). The greater horseshoe bat was also not in torpor when observed on the 12th March. The observations suggest this is transitional roost for soprano pipistrelles and a single greater horseshoe. These results are accepted.

Building E Poultry Pens (B4)- The letter provides additional justification regarding survey effort to this structure and demonstrates that visual, static and DNA analysis was used to confirm the status of the existing roost within this structure. This is accepted.

Classification of roosts- as requested further information has been provided about both the satellite and maternity roost.

i) Given the low number of bat droppings, the fact bats were only recorded using this structure on two occasions and its unstable environmental conditions, the conclusion that Store 5 is a satellite roost is accepted.

ii) Given the significant piles of bat droppings (which have accumulated over many years) and continued presence of lesser horseshoes throughout the survey period, the conclusion that The Cellars Store 2 is a maternity roost is accepted.

The letter confirms that both the Old Privy and bike store are not being impacted by the proposals and therefore it is acknowledged that surveys of these structures are not required.

As requested, full details of the compensatory bat roosts have been provided on the following plans:

Farmhouse & Stables - Part Site Plan Bat Mitigation (Dwg no. 845 S 150), Farmhouse & Stables - Part Site Plan Bat Mitigation - Sheet 2 of 3 (Dwg no. 845 S 151) and Farmhouse & Stables - Part Site Plan Bat Mitigation - Sheet 3 of 3 (Dwg no. 845 S 152). Separate provision for greater and lesser horseshoe has now been provided. The proposed mitigation is now considered to meet the first of the "three tests" of the Habitats Regulations. It is believed the other two tests, should be capable of being met.

The bat mitigation and compensation scheme must be strictly adhered to and secured by condition. It should be noted that the works must not commence until the EPSM licence has been confirmed, a licenced bat worker has been commissioned to provide on-site ecological supervision and all other mitigation measures are in hand.

Nesting Birds

The Ecology Response confirms that two artificial swallow nests will be placed into the open poultry sheds (Building E, B4) adjacent to the proposed bat roost in this location, this will compensate for the loss of swallow nesting sites elsewhere on site and can be secured by condition.

Species Enhancements

The intention to install 5 x bird boxes and 5 x bat boxes as per recommendation in Ecology Response would be fully supported. If consent is granted, a scheme of ecological compensation and enhancement should be secured by condition.

Other Matters

An ornamental pond is located in the garden and another pond is situated 30m from the site. Given that the works to the buildings will not impact any habitat suitable for these species, the risk of committing an offence is considered unlikely, therefore, further surveys for great crested newts are not required.

However, amphibians will rest in sheltered places such as barns and underneath stones, therefore the recommendation for a precautionary approach (including the provision of a toolbox talk) to site clearance would be supported and can be secured by condition for a WPES.

Other Protected/Notable Species

There is low potential for hedgehog/polecat to be present on site. The recommendation for sensitive clearance of debris and general good practice measures would be supported and can be secured by condition.

Biodiversity Net Gain (BNG)

Given that the proposals include renovation of structures, provision of additional car parking in an existing farmyard (and will utilise an existing access track) and no semi-natural habitats will be impacted. It is therefore acknowledged that policy NE3a does not apply to this application.

Species Enhancements

All schemes should achieve measurable biodiversity net gain to meet the NPPF (paragraphs 174, 179, and 180), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for example Policies D5e and NE3) and emerging government policy. Provision of bat and bird boxes, hedgehog connectivity and/or native/beneficial planting would be proportional and appropriate

Habitats Regulations Assessment (HRA) process has been undertaken and sent to Natural England. They have been reconsulted and their response is awaited.

Natural England (response to 23/04747/FUL)

As submitted, the application could have potential significant effects on the Bath and Bradford on Avon Bats SAC. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been provided.

Listed Building Officer comments are contained within the body of this report.

POLICIES/LEGISLATION

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

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

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

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- Bath & North East Somerset Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Bath & North East Somerset Local Plan Partial Update (2023)

- Joint Waste Core Strategy
- Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th

July 2014. The following policies of the Core Strategy are relevant to the determination of this

application:

B4: The World Heritage Site

CP6: Environmental Quality

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:

- HE1 Historic Environment

Local Plan Partial Update:

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

DW1: District Wide Spatial Strategy

Placemaking Plan:

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

D2: Local Character and Distinctiveness

HE1: Historic Environment

Local Plan Partial Update:

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

NE3: Sites, species, and habitats

NE3a: Biodiversity net gain

Supplementary Planning Guidance:

The following supplementary planning documents are also relevant in the determination of this application:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013)
The Bath City-wide Character Appraisal (August 2005)

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.

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

Lower Shockerwick is a historic farmstead within Green Belt, Cotswolds AONB, and the indicative landscape setting of the Bath World Heritage Sites. The Farmhouse is picturesque Grade II detached building. It is considered to be a mid-17th century house remodelled in 1793 (according to the date stone). To south of the Farmhouse, there is Grade II listed

Stables, which were converted into the residential accommodation in the 1980s. To the west there is a range of Grade II listed shelter sheds and barns. Across the lane to the south is a Grade II Threshing Barn and Granary. To the east and in the wider setting there is Lower Shockerwick, a Grade I country house, and Grade II Coach House and Garden House.

Lower Shockerwick Farm was referred to as Home Farm and was part of the large country estate.

Lower Shockerwick Farmhouse has a L-shaped plan form and is set within sloping site. The

principal range is two storeys with dormers serving the accommodation in the roof. It has a distinct gambrel roof covered in stone slates. The lower ground floor under the main range appears to be an older structure with There is a two-storey service range with a hipped roof, which has Kitchen at first floor level and a series of stores underneath.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works,

to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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.

The proposed works are as follows:

Change of use of farmhouse and garage Use Class C3 to residential agritherapy centre (Use

Class C2). Farmhouse as weekend holiday let. Erection of extension to farmhouse and internal alterations. Internal alterations to The Stable remaining as a single use dwelling. Conversion of garage into a staff office. Replace existing windows. External works and creation of car park.

These proposals require significant and cumulative alterations to the listed buildings.

Farmhouse extension:

An extension to the existing service range is proposed which is sited over the existing range which currently comprises stores and enclosures which have significant historic interest.

There is significant concern with the extension in principle and in respect of detailed design and resulting harm to historic fabric:

- The size, scale, bulk and massing is unacceptably dominating and thereby harms the character and appearance the principal listed building. The extension seeks to almost double the length of the existing historic range adding a first floor level (due to the topography of the site).
- Whilst the scale of the extension is considered unacceptable the harm is exacerbated by the design including the scale of openings and the use of timber cladding both of which are uncharacteristic.
- The extension also requires the removal of the end wall of the existing kitchen and hence will result in the loss of this historic fabric and will be harmful to the plan form of the building.
- The extension will require underpinning for its construction - this is not to address any existing structural issue. This is a significant intervention and risk to historic fabric in a location which is one of the oldest and significant elements of the listed building. The extent of works needed to construct the extension are such that this part of the building will not retain its existing historic integrity. This area (and in particular Store 5) has rare surviving interior features including a fireplace with a significant ashlar arch and moulded mantle shelf, a cast iron oven and a copper furnace. It is likely it was a detached washhouse/ kitchen/ dairy/brewhouse, and it is an important reminder of the functions of

the farmhouse. Despite being attached to the kitchen range, it has retained its sense as a separate entity because of its single storey form and varied roof form.

- The extension will erode the legibility of the service range and outbuildings and impact on the hierarchy of historic development, oversailing the stores and the smaller outbuildings, altering and engulfing them.

Works to two storey outshot:

At the rear of the main range there is a two-storey outshot. It appears the ground floor was added in the early 20th century and subsequently the first floor bathroom was added. It is proposed to extend the outshot so that it meets the parapet of the principal range and will intersect the cornice, which is currently uninterrupted. The purpose is to incorporate additional insulation. Whilst this impacts appearance, given that this is a later addition and the impact limited, it is not of concern.

Fire safety works:

The change of use of the farmhouse triggers the requirement for a range of fire protection measures.

- On the lower ground, ground, first and second floor it is proposed to upgrade the 'soffits' There are historic lath and plaster ceilings which would likely be harmed by such works (although the extent of the alteration needed has not been clarified)
- The introduction of a sprinkler system will require the installation of multiple mist heads within the ceilings associated pipework throughout the building, again impacting historic fabric and character.
- Whilst these works could be balanced against benefits of the scheme they add to the cumulative impact of harm all stemming from the proposed change of use.

Opening up of kitchen ceiling:

There are concerns with raising of the ceiling to form a vaulted space which has not been justified in terms of the historic character of this space notwithstanding that the fabric of the ceiling itself is modern.

Works to the roof:

As well as long term lack of maintenance and inappropriate repair, there is indicated to be an inherent problem with the design of the roof and rainwater disposal from the parapet gutters given the impact of heavier rainfall events.

It is proposed as part of the application to change the detailing of the parapet gutters from lead to stainless steel, and hence modern detailing and insulation. Whilst full explanation of the issue and solution and its justification is still needed this aspect could be resolved as acceptable given the circumstances.

It is also proposed to replace the dormers, which are in poor condition and likely a later addition. This will include addition of insulation and hence change in detailing. Again, given the current condition, this aspect could be resolved as acceptable given the circumstances.

Windows in main building:

It is proposed to replace all of the glazing in the main building windows with vacuum glazing in new timber frames or metal frames. As the existing are not of historic interest this is considered acceptable. However there are concerns with the introduction of aerogel insulation to the stone mullions which could be omitted.

Works to the stable

This detached two storey dwelling was converted into holiday accommodation in the 1980s. The conversion removed many of the internal and external features, which would have reflected its former function and gave it a domestic character. The proposed internal changes and agreed changes to windows with vacuum glazing are not therefore considered to harm its significance.

Works to the garage:

The garage, curtilage listed as part of the complex of barns, was altered into a garage in the 20th century. The proposed internal changes and changes to openings are not therefore considered to harm its significance.

It is concluded that the harm caused to the designated heritage asset, is, in the language of the NPPF, less than substantial but to the upper end of this given the impact of the proposed extension and the cumulative impact with other changes needed to accommodate the proposed use.

In such circumstances Paragraph 208 of the NPPF (2023) requires that any harm be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

Environmental benefits include the beneficial use of the buildings and the facilitating of farm diversification that will contribute to the instatement of regenerative agricultural stewardship. There are also social benefits for disadvantaged children both of these are afforded weight.

However, the proposals are considered to cause harm to the significance of the listed buildings and their setting. Any harm is a disbenefit and must be also be considered and given weight in the decision making process.

On balance, given the significant impact of the proposed extension, associated harm and potential loss of early historic fabric and changes associated with the proposed change of use, the public benefit would be insufficient to outweigh the less than substantial harm identified. As such, the proposal would not comply with paragraph 208 of the NPPF.

The Council has a statutory requirement under Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building

consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above and in this instance the proposed extension and accumulation of associated works would fail to preserve the special interest of the listed building and as such this proposal would fail to meet this requirement.

Taking account of the above it is considered that the proposed development is not consistent with the aims and requirements of the primary legislation, planning policy or guidance. The proposed works would result in an unacceptable level of alteration to the building and a dominant addition to the listed building that would harm its significance as a designated heritage asset. The proposal would not, therefore, comply with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

ECOLOGY

As originally submitted the details in respect of ecology matters were not considered to have been adequately addressed. Further information has been submitted.

The new/revised information submitted addresses the majority of previous comments made by the Councils Ecology Officer. No habitat enhancement or creation is proposed. Revisions i.e. habitat enhancement or creation are requested to address comments from Natural England and to accord with Policy D5e.

A Habitats Regulations Assessment is appended which concludes that there is not a credible risk of significant negative impacts on the Bath and Bradford-on-Avon Bats Special Area of Conservation based on the details submitted. The HRA will need to be agreed with Natural England and this has now been sent to them for comment.

Providing that planting is satisfactorily addressed, then conditions should be attached to secure bat and wildlife mitigation scheme (which for bats can be in the form of Natural England licence documentation), wildlife compensation and enhancements, a compliance report and sensitive lighting.

The proposals are seen to comply with the 3 tests in that the purpose of the licence has a valid basis; the proposals indicate a low impact given the existing situation is retained and the area will be retained and therefore, granting the licence won't cause long-term impacts on the species concerned.

Habitats Regulations Assessment (HRA) process has been undertaken and sent to Natural England. They have been reconsulted and their response is awaited.

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.

In this instance the applicants have submitted details of the works to be undertaken and this has seen to be acceptable subject to the HRA being agreed by English Nature. The development complies with this policy.

In conclusion as the proposal does not comply with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF it is recommended for refusal.

RECOMMENDATION

REFUSE

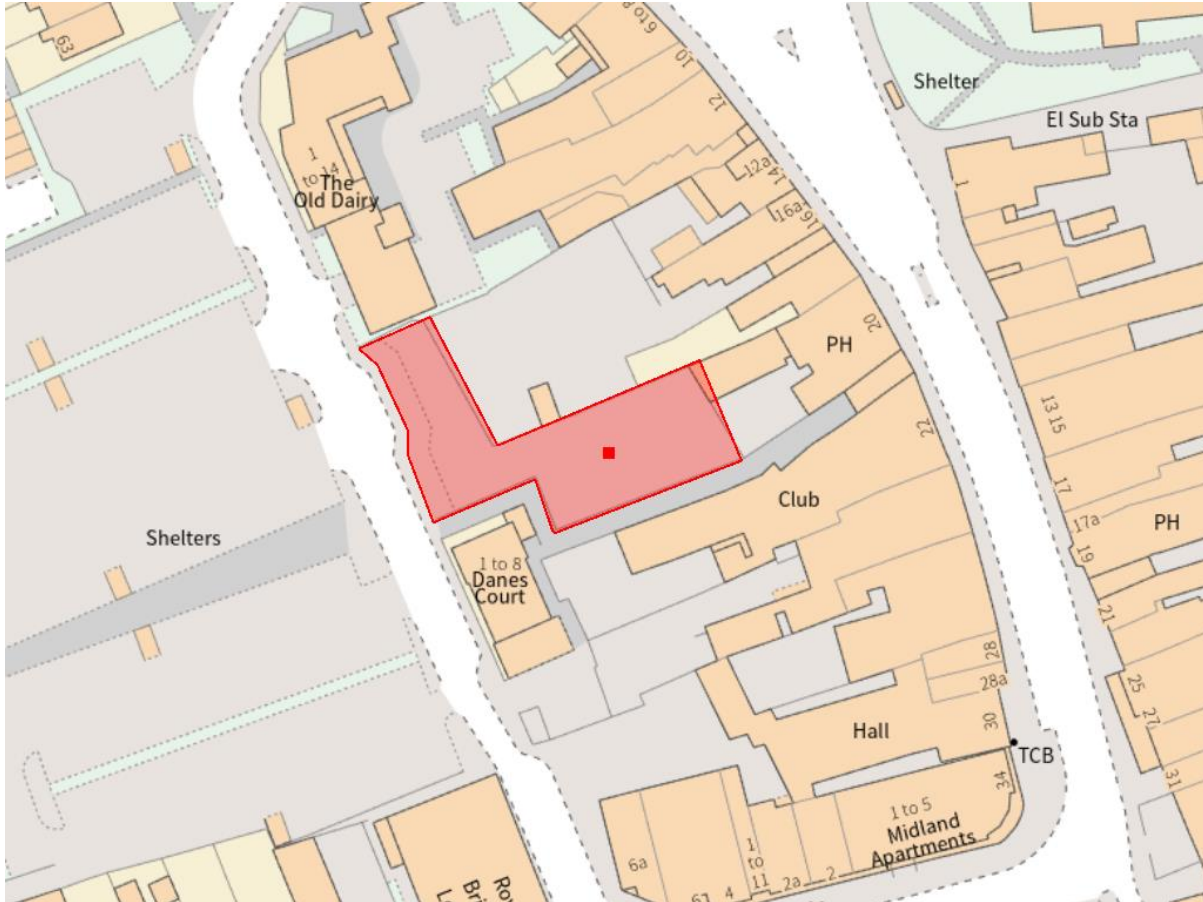
REASON(S) FOR REFUSAL

1 The proposed rear extension to the kitchen and associated underpinning would result in harm to historic fabric, plan form and character of the listed building. The cumulative alterations to the listed building as a result of works required to facilitate the proposed C2 Use result in harm to the fabric of the Listed Building. As such it is considered that the proposed development would not accord with the duties of the primary legislation, nor the aims or objectives of national and local planning policy and guidance as it relates to the historic environment and would harm the significance of the designated Heritage assets. As such the development does not accord with policy CP6 of the adopted Core Strategy (2014) or Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) or Part 16 of the NPPF. In this case it is concluded that the harm caused to the designated heritage asset, is, in the context of the significance of the asset as a whole and in the language of the NPPF, less than substantial. Whilst in this instance there are significant environmental and social benefits and moderate ecological benefits they are not considered to outweigh the considerable importance and weight to be given to the harm to the designated heritage asset. As such, the development would not comply with paragraph 208 of the NPPF.

PLANS LIST:

0 845 FP 006D 27th march 2024
845-S- 002A, 003, 004, 110, 111, 112, 113, 131, 132, 210, 211, 212, 213, 214, 220, 300,
400A, 401A, 402A, 403, 404A, 405, 406A and 407A

Item No: 04
Application No: 23/04190/REG03
Site Location: Land To Rear Of Danes Court Dane's Lane Keynsham Bath And North East Somerset



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A

Ward Members: Councillor Alex Beaumont Councillor George Leach

Application Type: Regulation 3 Application

Proposal: Erection of 10 No. affordable apartments (Class C3) and associated access, drainage and landscaping works

Constraints: Agricultural Land Classification, Conservation Area, Policy CP12 Bath City Centre, Policy CP9 Affordable Housing, Policy CR3 Primary Shopping Areas, District Heating Priority Area, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: BANES Council

Expiry Date: 9th May 2024

Case Officer: Samantha Mason

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

REPORT

This is a scheme for major development of 100% affordable housing for which the Council is the applicant. The Council's Scheme of Delegation sets out that any applications for which the Council or ADL (Aequus Developments Limited) is the applicant, involving more than two properties, will be reported to the Planning Committee unless the Chair and Vice-Chair of the Planning Committee deem them too trivial, in which case they will be dealt with under officer delegation. The Chair has confirmed the scheme is not deemed too trivial and therefore the matter is being reported to committee.

Details of location and proposal and Relevant History:

The site is an irregular shape site partially fronting onto Danes Lane, a private road serving Tesco car park and partially a back land site behind the properties fronting Keynsham High Street. The site is bounded to the south by a public right of way connecting through to the High Street from Danes Lane.

While the site has previously been used for informal parking site hoardings have recently been erected and no parking is now undertaken.

Planning permission is sought for the erection of 10 No. affordable apartments (Class C3) and associated access, drainage and landscaping works.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

ARBORICULTURE:

5th Dec 2023: No objection subject to conditions

ARCHAEOLOGY:

1st Dec 2023: No objection subject to conditions

CONSERVATION:

7th Dec 2023: Scope for revision. On the basis that the proposed development is similar to that assessed under pre-app proposal reference 23/01775/PA05, I defer to my colleague's consultation comments dated 21.06.2023 and in so far as 'the amended scheme is an improvement over the previous scheme and has responded to LPA advice, and is, on balance, regarded as acceptable and has overcome the substantive concerns raised'. Notwithstanding, and as raised previously raised (refer to conservation consultation comments dated 21.06.2023), the proposed use of materials is questioned.

1st March 2024: Scope for revision. Continued concern with materials.

15th April 2024: Scope for revision. Continued concern with materials.

CONTAMINATED LAND:

11th Dec 2023: No objection subject to conditions

DRAINAGE:

8th Dec 2023: A minor amendment is required, the allowances for climate change have been revised recently. The calculations need to be provided with an allowance for 45% for climate change rather than the 40% supplied. Once the applicant can prove that the surface water can be managed up to this event, the Drainage & Flooding Team will raise no objection to this development.

ECOLOGY:

No response received.

ENVIRONMENTAL PROTECTION:

22nd Nov 2023: Objection, further information required. I am unable to support the application at present and would request a revised, attended noise survey which accurately captures noise arising from the Old Bank Public House and The Keynsham Conservative Club, including noise from patrons and entertainment.

13th March 2024: No objection subject to conditions.

HIGHWAYS:

30th November 2023: No objection subject to conditions.

13th Feb 2024: No objection subject to conditions. Having reviewed the detail of the development proposal, the highway authority raises no objection to the planning application. The principle of the development at this location is accepted, and there are no significant concerns regarding the proposed parking and access arrangements. There is a need to secure a Construction Management Plan to ensure that potential impacts are mitigated through that phase of the development, and conditions are advised below.

HOUSING SERVICES:

27th Nov 2023: No objection

KEYNSHAM TOWN COUNCIL:

12th Dec 2023: To SUPPORT with comments - There are no planning reasons to object to this application: - Keynsham Town Council consider that the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of Bath and North East Somerset adopted Placemaking Plan 2017 and Local Plan (Core Strategy) Partial Update Jan 2023.

However, Keynsham Town Council request that a full and thorough noise survey is undertaken before approving this application, to avoid noise pollution problems for future residents of the proposed apartments. Keynsham Town Council Suggest triple glazing and better wall insulation to the rear of the buildings to mitigate the noise factor.

Keynsham Town Council support the conditions raised by the following B&NES teams: -
Public Rights of Way Team - To check the correct line of footpath BA27/70 in the submitted plans, improvements to surface of the public footpath and the responsibility of the future maintenance of the foot path to be clearly stated within the permission of the application.

Transportation and Highways Team - Land required to access the existing adopted highway should be clearly marked on the submitted application by an amended red line boundary. Also, a clear Construction Management Plan should be in place to ensure that potential impacts are mitigated throughout the development phase.

Archaeology Historic Environment Team - Should the planning application be permitted a condition be added that any archaeology impacted by the proposal be recorded and an archaeological excavation forms a condition of the plan.

Arboricultural Team - a condition to secure onsite tree planting to replace the six trees to be felled.

Drainage and Flooding Team - allowances for climate change to be amended to 45% and proof that surface water can be managed.

LANDSCAPE:

13th Dec 2023: Building design follows pre-app advice and appears satisfactory. The design for the external spaces has not had the same level of attention as the building design and is currently unsatisfactory in a number of respects. Proposed planting and BNG assumptions require comprehensive review. It is recommended that the advice of a landscape architect is sought.

PARKS:

17th Nov 2023: No comment. The application does not trigger a recreational greenspace requirement under policy LCR6.

PUBLIC RIGHTS OF WAY:

23rd Nov 2023: No objection subject to conditions.

SUSTAINABLE CONSTRUCTION:

5th Dec 2023: Revisions required. Policy SCR6 requires for renewable energy generation to be equal to or higher than the Total Energy Use, with this not being met on Block 1. Block 2 does produce enough renewable energy to match the Total Energy Use of that block and the renewable energy generation from both blocks combined is greater than the combined energy use.

15th April 2024: no objection subject to condition.

URBAN DESIGN:

13th Dec 2023: Building design follows pre-app advice and appears satisfactory. The design for the external spaces has not had the same level of attention as the building design and is currently unsatisfactory in a number of respects. Proposed planting and BNG assumptions require comprehensive review. It is recommended that the advice of a landscape architect is sought.

Representations Received:

Twenty objections, three representations and one support comments have been received; the following is a summary of the points raised:

Objections:

- Space should be used as a car park
- Stream beneath the site
- Noise concerns
- Impact to businesses
- Residential use not appropriate next to pub
- Residential amenity concerns

Comment:

- Should be wheelchair accessible

Tranisation Bath:

17th Nov 2024: We are supportive of this application by Bath Council to build these homes to almost Passivhaus standard.

24th Nov 2024: We would like to see further information on the distribution of the electricity from the solar panels to the individual properties? Equitable distribution to individual would alleviate fuel poverty. We are also concerned about the risk of overheating, and would have liked to have seen the PHPP overheating compliance report which will have already been produced by the PHPP modelling to confirm overheating is not a risk, rather than the use of a simplified method. We are uncomfortable with the heat pumps offering space cooling as this is likely to increase the buildings carbon emissions and appears to have been omitted from the modelling and might impact the application's marginal < 40 kWh/m2/year energy use compliance. We feel that the council should insist on the installation of a technology without cooling or that modelled cooling emissions be included in the SCR6 calculation.

Support:

- Close to local amenity
- Pub can carry on business

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)

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

CORE STRATEGY:

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

CP6: Environmental quality
 CP9: Affordable housing
 CP10: Housing mix
 SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

D1: General urban design principles
 D2: Local character and distinctiveness
 D3: Urban fabric
 D4: Streets and spaces
 D5: Building design
 D6: Amenity
 D7: Infill and backland development
 HE1: Historic environment
 LCR9: Increasing the provision of local food growing
 NE2A: Landscape setting of settlements
 PCS1: Pollution and nuisance
 PCS2: Noise and vibration
 SCR2: Roof-mounted/ building integrated scale solar PV
 SCR5: Water efficiency
 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 KE1: Keynsham spatial strategy
 D8: Lighting
 H7: Housing accessibility
 NE2: Conserving and enhancing the landscape and landscape character
 NE3: Sites, species, and habitats
 NE3a: Biodiversity net gain

NE5: Ecological networks

NE6: Trees and woodland conservation PC55: Contamination

SCR6: Sustainable construction policy for new build residential development SCR9: Electric vehicles charging infrastructure ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

Planning Obligations Supplementary Planning Document (January 2023)

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.

LISTED BUILDINGS:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development
- Affordable housing

- Character and appearance
- Heritage
- Housing mix
- Housing accessibility
- Residential amenity
- Highways
- Drainage and flooding
- Landscape
- Trees
- Ecology
- Sustainable construction
- Any other matters

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The site is currently vacant and there are no existing buildings on it. It has previously been used as a temporary parking area but does not function as a formal private or public parking area.

The site is within the Housing Development boundary of Keynsham where policies DW1 and KE1 state that housing development will be acceptable in principle, subject to compliance with other relevant policy and material considerations, discussed below.

AFFORDABLE HOUSING:

Policy CP9 has regard to affordable housing. It states that affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectare and above (the lower threshold applies). This site triggers policy CP9 given that it is for 10 dwellings.

This scheme purposes 10 units, 6 of which are 1 bed properties and four of which are two bed properties. All will be affordable dwellings; the tenure will be for general needs social rented housing.

There is a demonstrable and acute need for new affordable housing in the B&NES administrative district. The latest published objectively assessed need shows that over the 20-year period (2020-2040) there is a gross overall need of 12,960 of which the affordable component is 4,900 homes.

Core Strategy Policy CP9 requires that for a development of this size four affordable units are required. The Council as applicant intends to bring the units forward as 100% affordable in the form of social rented tenure to be retained by the Council as part of its house building programme. Affordable housing needs data shows that for Keynsham, of the over 700 applicants on Homesearch, about 550 are in need of one or two bedroomed properties.

The Housing Team have been consulted on this scheme and are supportive of the mix and tenures provided on site.

All homes will be secured for social rent in perpetuity as 100% affordable housing by way of a planning condition as the Council as applicant is unable to enter into a s.106 agreement with itself.

Overall, the proposal accords with policy CP9 of the Core Strategy.

CHARACTER, APPEARANCE AND HERITAGE:

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.

Policy HE1 seeks, within the scope of Core Strategy policies B4 and CP6, to enhance and better reveal the significance and setting of heritage assets, both designated and non-designated, and make a positive contribution to their character and appearance.

Development 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 and there is a statutory duty imposed upon 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. Additionally relevant is the statutory duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act which states that 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Context:

The site is located on Danes Lane between two new residential apartment blocks. There are no existing buildings on site.

The site lies partially within the Keynsham Conservation Area and within close proximity to a number of listed buildings. Most notably these include the Conservative Club and The Old Bank both adjoining the site and Grade II Listed and the Grade II* Listed St John The Baptist Church which has a clear visual connection with Danes Lane and the PROW passing the site.

The development site is identified in the Keynsham Conservation Area Appraisal as being within Character Area 1. Northern (Upper) High Street & Bristol Road. The following is an extract from the Appraisal:

This area is the central historic core of the conservation area, where the early village settlement has its origins. The area contains the Grade II* listed parish church of St. John The Baptist - one of the main focal landmarks in the town - dating back to 1250. The area

also contains the greatest concentration of listed and historic buildings within the town. The northern High Street area was within the Abbey precinct and abbey buildings probably extended up to the east side of the northern High Street. (p.50).

The scheme has evolved over time over the course of two pre-apps which have responded to feedback from the Council.

Layout:

The scheme has been arranged into two blocks across the L shaped site. Block 1 is located along the street frontage and acts as an infill between the existing gap in the residential blocks here. Block two is set back within the site and acts as a transitional block between the properties of Danes Lane and the High Street. The communal parking is located at block 2 and the bin store is adjacent. The layout ensures that the PROW alongside the site is maintained and that there is access to this from the site. The buildings are sited so that there is circulation space around them that has allowed for some amenity space and landscaping. Overall the site layout is considered acceptable.

Scale, height, massing and form:

Block one is a three storey building with pitched gable roof forms that follow the scale and roof forms found along Danes Lanes, including the two neighbouring blocks the Old Diary and Danes Court. The fenestration rhythm is uniform and regular, the solid to void ratio is balanced. Overall the form of the building is appropriate for the location.

Block Two is part three storey transitioning to part two storey as the block moves towards the High Street. This step down is important to address the lower rear elements of the high street building and to ensure views across the site of the church spire are retained, maintaining the setting of the conservation area. The scale and form of the three storey elements follows the rhythm of the building along Danes lanes and the two storey element is simplified to a simple single pitched gable. The building is cantilevered over the parking area which is not particularly desirable in design terms however it is noted that there are other examples of this design feature in the area and the in the design with this scheme additional screened solid walls have been added to the side elevations including louvre panels and planting to create some additional substance. It is therefore considered acceptable.

Design detail:

The Conservation Officer has raised concerns with the proposed materials throughout the course of the application. The proposal submitted a scheme using yellow facing brickwork and render, the conservation officer initially recommended a grey tone brick and blue lias which is historically used in Keynsham.

Revised plans were submitted that proposed brown/ red and grey brick. However, the revised design was considered unsuccessful. The grey tone brick simply added another material to the locality and a further brick type along this street frontage which was considered to result in visual clutter and a muddled palette rather than creating a coherent local character.

Further advice was given to lighten the palette of materials and amended the roof to grey to match the surrounding developments. The revised scheme now takes cues from Danes Court the neighbouring development from which scale and roof pitch cues have also been drawn from. The proposal returns to a yellowish brown brick which will be conditioned to ensure that it integrates with Danes Court. Render is once again employed, this is material that is already used on many of the buildings in the locality and is therefore considered acceptable. The roof has been amended to grey slate instead of brown tile, which is considered to successfully integrate within the conservation area mimicking neighbouring developments, again including Danes Court. The Conservation Officer still considers that there is some scope for revision, however they do not consider that heritage harm will arise from the proposal. As such officers are now satisfied that the revised materials offer some visual coherence in materials along this street and find the lighter tones are more successful.

Landscape and public realm:

A low timber screen wall has been added around the communal reuse area which is welcomed reducing the visual impact of the bin store from the public footpath. New planting is also proposed along the public footpath including hedgerows and small trees which will provide an enhancement. Green amenity space is proposed to the front of block one and circling block two. The existing stone wall boundary is to be retained along the north of the site. The hard landscaping plan shows that brick paving is proposed to the access road which will add visual interest, although exact brick details and pattern have not been provided. Concrete paving slabs are to be used to the footpath areas to match the PROW. Details will be conditioned.

In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy and policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy and policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

ARCHAEOLOGY:

Policy HE1 seeks, within the scope of Core Strategy policies B4 and CP6, to enhance and better reveal the significance and setting of heritage assets, including archaeological assets.

South West Heritage Trust have been consulted on this application and raised no objection subject to conditions. This site has been subject to archaeological evaluation in 1999 which revealed Roman period and medieval remains. These remains include a Roman trackway, medieval building remains, and substantial quantities of artefacts were recovered during the evaluation. The evaluation results are sufficient to determine the significance of the archaeology as required by the NPPF paragraph 194, so no further

evaluation is required prior to determination of this application. These remains are considered to be of local significance, and the proposal will have significant impact on the archaeology.

The NPPF paragraph 205 requires that where heritage assets are impacted developers should be required to advance understanding of the heritage asset. This will be achieved through a condition attached to a permission that ensures archaeological excavation of the site prior to development, analysis of the results and publication.

HOUSING ACCESSIBILITY:

Local Plan Partial Update policy H7 requires that for affordable housing, 7.8% of dwellings should be constructed to meet Building Regulation M4(3)(2b) standard (wheelchair accessible housing) and the remainder to M4(2) accessible and adaptable dwellings standard.

The 3 ground floor units will be compliant with the Part M 4(2) optional Building Regulations standard, however it has not been possible to reach the M4(3)(2b) standard (wheelchair accessible housing) given the constrained nature of the site.

The policy goes on to say that in exceptional circumstances, factors such as vulnerability to flooding, site topography and where the provision of a lift to dwelling entrances may not be achievable, may determine a reduced requirement in terms of Building Regulation M4(2) and M4(3) accessibility standards.

As such in this instance the scheme is considered acceptable in line with policy H7.

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.

Noise:

It is noted that the proposed development site is located in close proximity to The Old Bank PH and the Keynsham Conservative Club. A number of third parties have raised objection about the proximity of the units to these establishments. The Environmental Protection Team have been consulted. Initially the EP team raised concerns that the submitted acoustic survey (Nov 2022) did not provide enough information on potential noise sources and locations.

Following this a revised noise assessment was submitted dated 28th Feb 2024. The assessment states that entertainment from the Old Bank P.H. was monitored to determine the impact on the proposed development. While the assessment did not monitor the impact of entertainment noise from Club 22, also adjoining the site, the consultant states that the same criteria affecting facades exposed to the Old Bank P.H. will be applied to facades exposed to Club 22. It has been concluded that the criteria in BS8233:2014 can be achieved in terms of sound insulation. The EP team are satisfied with the updated information and have recommended conditions to demonstrate that the development has

been constructed to provide sound attenuation against external noise in accordance with BS8233:2014

The proposed site is also in close proximity to existing residential properties and they will be sensitive to the impacts of construction, therefore a construction management plan condition will also be included.

Air Quality:

Due to the boundary of the development being within the Air Quality Management Area an air quality assessment has been prepared by Entran to demonstrate that the residents of the proposed properties will not be exposed to pollution concentrations above the air quality objectives. Any limited releases of dust and particulate matter generated from on-site construction can be managed through good site practice and the implementation of suitable mitigation measures via the CEMP to ensure that any impact is negligible.

Future occupants and Neighbour private amenity:

It is not considered that the proposal will result in significant overlooking or overbearing of neighbours, or vice versa. The scheme is located between existing residential units and in any case non-significant level of overlooking is expected in denser residential area. No third parties have raised concerns in regard to overlooking or overbearing impact.

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

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The Highways Team have been consulted on this application. Given the location of the site and the current use, they have raised no objection to the principle of a residential development at this location, with the site being highly accessible to local services and public transport connections. However, there is a need to consider access and parking arrangements. The application is supported by a Transport Statement, and these transport issues are reviewed below.

Access arrangements:

The proposed development would be accessed direct from Danes Lane, and this does not form part of the adopted highway network. It is noted that the red line boundary of the application does not extend to the adopted highway, and there would be land required for access to the site which is not currently included within the application. The highway

authority recommended that the application is amended to ensure that all parties affected by the access arrangements are appropriately consulted as part of the planning process. The revised submission now provides an updated red line to the adopted highway, and the relevant third parties should have been informed.

There are no significant concerns regarding the proposed access arrangements, and there should be suitable visibility at the site access point. It is noted that an adjacent parking area would have to be solely accessed from the High Street as a result of the development, however, this is considered to be a private matter between third parties.

Parking:

Secure cycle parking will be provided in two areas, and a total of 20 cycle parking spaces for residents will be available. In addition, the design provides a cycle stand for visitors. This overall approach is supported and would be considered to be appropriate to serve the needs of the development residents.

The submitted Transport Statement considers the car parking requirements for the site. A total of three car parking spaces would be provided within the site. The number of spaces proposed are generally in accordance with the maximum standards presented within the Transport and Development SPD for this residential land use at this location. The Statement provides further justification for the parking levels by presenting the typical car ownership levels associated with this type of land use and reviews the number of spaces against the SPD Accessibility Assessment and policy test requirements. The highway authority has also considered the potential risk of overspill parking onto the local highway network, and given the town centre, the on-street parking is well controlled through the area local to the development site. It is unlikely that the development would result in any significant adverse parking impacts. In summary, having reviewed the Transport Statement, the highway authority does not object to the proposed car parking strategy.

It is also noted that a motorcycle parking space is provided, and there are no concerns relating to this provision.

There would be a need to provide the proposed car parking spaces with electric vehicle charging opportunities, and this will be secured as part of the Building Regulations approval process.

Waste and recycling collection:

Collection would be from two storage areas within the site, and there are no significant concerns relating to this proposed arrangement. As with the other properties accessed from Danes Lane, the waste and recycling weekly collection is unlikely to have a detrimental impact on the operation of the highway.

Construction impact:

The site location would be sensitive to any significant construction activity, and the highway authority would recommend that the requirement for a Construction Management Plan is secured by an appropriately worded planning condition. This Plan would need to be agreed and implemented before any work commences on site.

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

PUBLIC RIGHTS OF WAY:

Public footpath BA27/70 runs partly along the southern boundary of the proposed development site. The Public Rights of Way Team have been consulted on this application and raised no objection.

It is however noted that the footpath line shown on the plans accompanying the planning application is not entirely accurate, nevertheless public footpath is acknowledged in the documents and plans submitted with the application.

The Design and Access Statement (dated 07/11/2023) states the following at Fig 4.2: "Existing PROW can be strengthened in terms of its visibility via the site being developed and creating a safe (overlooked) and inviting route for the public".

The Planning Statement (dated 07/11/2023) shows at Figure 8 a proposal to plant a hedgerow along the boundary with the public footpath. The plans appear to show a solid boundary between the hedge and the public footpath. It is the landowner's responsibility to ensure that there is no encroachment of the public footpath by overhanging vegetation.

The Transport Statement (dated 07/11/2023) states at Point 3.2.4: "The existing PROW connecting High Street and Danes Lane would not be affected by the scheme and would continue to be provided along the southern site boundary. However, there may be some temporary disruption during construction of the southern building".

There must be no effect to the line and width of the footpath during or after construction. If the proposed works require a temporary closure of the footpath to facilitate development the applicant must seek permission via a Public Rights of Way order which is separate to the planning process.

DRAINAGE AND FLOODING:

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

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

The site lies with Flood Zone 1 meaning that there is a low risk of flooding. There is also a low risk of surface water flooding.

A Drainage Strategy has been included. Surface water drainage will feature an attenuation system below the access road. Foul drainage will operate via gravity-fed foul pipework that will collect to the public foul sewer.

The drainage team requested calculations be provided with an allowance for 45% for climate change rather than the 40% supplied. This has now been updated accordingly.

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

CONTAMINATED LAND:

Local Plan Partial update policy PCS5 has regard to Contamination.

A ground investigation and Geotechnical and Phase 2 contamination report have informed the development proposals following the completion of a desk study.

The Contaminated Land Officer has been consulted and raised no objection subject to conditions including further investigation and remedial design measure, and reporting of any unexpected contamination.

The proposal is considered acceptable in terms of policy PCS5 of the Local Plan Partial Update.

TREES:

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

The application is supported by an arboricultural report which identifies four cherries and two pears on site but within the section of the site which is outside of Keynsham Conservation Area.

All existing trees would require removal to accommodate the proposed development and only one is over the threshold for replacement planting to be required to comply with Section 3.6 of the Planning Obligations Supplementary Planning Document.

New tree planting is indicated on the landscape plan but there is inadequate information to determine whether the planting is realistic. The plan indicates that a mix of small to medium trees are proposed but without indication of what the bands mean or indicative

tree species. as such the Arboricultural office has requested soft landscaping details be conditioned to secure appropriate implementation.

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

ECOLOGY:

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

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

The site is located in the centre of Keynsham and is mainly finished in hardstanding, there is some existing bramble scrub and some small immature trees. The site is not a designated site for ecology and there are no designated sites within 1km of the site boundary.

An Ecology Survey and Assessment was undertaken by Ethos and has been submitted with this application. No protected species have been identified on site, it was noted that the brambles may be suitable for nesting birds, and while none were observed a condition will be added to ensure clearance outside of nesting season.

As mentioned, the site is mainly sealed hardstanding, the base line of habitat units is 0.02 units and 0.06 hedgerow units. the proposal incorporates soft landscaping with the provision of hedgerow and small/ medium tree planting. The proposed development would provide 0.58 habitat units, with 0.54 habitat units acquired from proposed urban trees and 0.12 hedgerow units. this equates to a 3065.90% biodiversity net gain of habitat units and a 115.18% net gain in hedgerow units.

Overall, the proposal is considered to comply with policy NE3 and NE3a of the Local Plan Partial Update regarding ecology matters.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

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

In this case the submitted SCC shows that both blocks are compliant with the space heating and total energy use requirements of policy SCR6. The U-values are overall very good, with them all being equal to or better than Best Practice Values. Policy SCR6 requires for renewable energy generation to be equal to or higher than the Total Energy Use, with this not being met on Block 1. However, Block 2 does produce enough renewable energy to match the Total Energy Use of that block and the renewable energy generation from both blocks combined is greater than the combined energy use.

Policy SCR6 does allow for some flexibility and in the case of major developments where the use of onsite renewables to match total energy consumption is demonstrated to be not technically feasible (for example with apartments) or economically viable, renewable energy generation should be maximised and the residual on site renewable energy generation (calculated as the equivalent carbon emissions) must be offset.

As requested, the applicants further reviewed the possibility of additional renewable energy. The area of PV has been maximised on all unshaded roof areas of the building. There is the space for adding a further 7 panels to the NE facing roof at the back of the building, but due to the direction this roof faces, this would not match the demand of the building because it is inefficient to put PV on a north facing roof. The provision of battery storage has been reviewed with the location of batteries causing issues. The PV specialist has advised they cannot be located in the buildings' roofs due to overheating concerns. Additionally locating them in the corridors is not an option as the corridors are part of the buildings' escape routes. As such is it proposed to not install battery storage. Additionally wall mounted PV's were considered but these would cause issues with heritage and design matters. The Council's Climate Officer has been consulted and agrees that the level of renewables has been maximised as far as practicable, no objection is raised. It is noted also that will also comply with the criteria set out in the Future Homes consultation with a fabric first approach employed with high performance insulation and glazed elements alongside Passivhaus levels of airtightness. The development will be entirely fossil fuel free with electrified space and hot water heating.

Overall, as Block 2 does produce enough renewable generation to cover the shortfall for Block 1, with a site wide excess of 2490.7kWh/year, and both Blocks are designed to near Passivhaus standards and the policy allows for some flexibility, the proposed development is considered compliant with Local Plan Partial Update policy SCR6 in this instance.

Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g., water butts). These matters can be secured by a relevant planning condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g., border planting, window boxes, vertical planting, raised beds etc.).

PLANNING OBLIGATIONS/ COMMUNITY INFRASTRUCTURE LEVY:

In terms of obligations the proposal is for 10 dwellings. This means that the development triggers the fire hydrant obligation for a contribution of £1500 for the cost of installation and five years maintenance. Additionally, the Site-Specific Targeted Recruitment and Training in Construction (TR&T) contribution is also triggered which is set at 10 dwellings. This would require a contribution of £495. Given the applicant is the Council and the Council cannot enter into a s106 agreement with itself these matters will be conditioned requiring details of the fire hydrant 'provision' and a 'scheme' of Site Specific Targeted Recruitment and Training to be submitted and approved by the Council prior to the commencement of development.

PUBLIC SECTOR EQUALITIES DUTY:

The Public Sector Equalities Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposal does not raise any particular concern in respect of those people with protected characteristics.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

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 Affordable Housing Scheme (Pre-commencement)

Prior to the commencement of the development hereby approved, an Affordable Housing Scheme to secure 100% affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the following:

1. The affordable housing mix
2. The tenure of the affordable units
3. The allocation standards
4. The management standards

Unless purchased under Right to Buy or other legislative scheme that compels the sale of residential units to a person for uses other than affordable housing, each of the affordable housing units on the site shall be permanently retained as affordable housing in accordance with the submitted Affordable Housing Scheme and shall not be occupied otherwise than in accordance with that scheme.

Reason: To ensure that the affordable housing is retained on site in perpetuity in accordance with Policy CP9.

3 Archaeology Controlled Excavation (Pre-commencement)

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

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

4 Archaeology Post Excavation and Publication (Pre-occupation)

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

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

5 Remediation Scheme and Further Monitoring (Pre-commencement)

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The remediation scheme shall include the additional monitoring in boreholes/standpipes to determine levels of land gas and appropriate gas protection measures for new buildings, as recommended in the site investigation report. The scheme shall include:

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

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

6 Verification Report (pre-occupation)

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework.

7 Unexpected Contamination (Compliance)

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework.

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

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs and a sample panel of brickwork, have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

The development shall thereafter be carried out only in accordance with the approved details.

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

9 Noise (Pre-Occupation)

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect future occupants from exposure to environmental noise.

10 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;
9. Temporary arrangements for householder refuse and recycling collection during construction.

The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

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

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

Update. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

11 Dwelling Access (Pre-occupation)

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

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

12 Nesting Bird Protection (Bespoke Trigger)

No removal of trees hedges or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

13 Biodiversity Gain and Habitat Management Plans (Pre-commencement)

No development shall commence until full details of a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver 0.58 habitat units. The Plans shall be in accordance with the approved Biodiversity Net Gain Assessment and with current best practice guidelines and shall include the following:

1. An up-to-date BNG habitat map for on-site proposed habitats.
2. Habitat Management Plan- long-term management and protection measures for all retained habitats and species, including fencing and boundary details.
3. Long term aims and objectives for habitats (extents, quality) and species.
4. Detailed management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods; specialist expertise (if required), specialist tools/machinery or equipment and personnel as required to meet the stated aims and objectives.
5. A detailed prescription and specification for the management of boundary habitats including hedgerows, woodland and scrub.
6. Details of any management requirements for species-specific habitat enhancements.
7. Annual work schedule for at least a 30 year period.
8. A list of activities and operations that shall not take place and shall not be permitted within the HMP Plan area (for example use of herbicides; disposing of grass cuttings / arisings in "compost" heaps on-site or in hedgerows (or other on-site waste disposal); routinely cutting ivy where there is no specific arboricultural justification; inappropriate maintenance methods; storage of materials; machine or vehicle access).

9. Detailed monitoring strategy for habitats and species, particularly (xx mod/high distinctiveness) habitats, and methods of measuring progress towards and achievement of stated objectives.
10. Details of proposed reporting to the Local Planning Authority and proposed review and remediation mechanism.
11. Proposed costs and resourcing, and legal responsibilities.

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

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

14 Sustainable Construction Residential properties (pre-occupation)

Prior to occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted for approval to the local planning authority together with the further documentation listed below.

The development must comply with the requirements of SCR6.

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

Major (or larger) Residential Development:

- o Energy Summary Tool 2
- o Table 2.1 or 2.2 (if proposal has more than one dwelling type)

All Residential Development:

- o Table 5 (updated)
- o Building Regulations Part L post-completion documents for renewables;
- o Building Regulations Part L post-completion documents for energy efficiency;
- o Final as-built full data report from Passive House Planning Package or SAP
- o Microgeneration Certification Scheme (MCS) Certificate/s

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

15 Water (Compliance)

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

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

17 Fire Hydrants (Pre-Occupation)

No occupation of the development shall commence until details demonstrating the installation and five years maintenance of one fire hydrant have been submitted and

approved by the Local Planning Authority. The proposed development shall be carried out in accordance with the approved scheme.

Reason: As required by BaNES Planning Obligations SPD to ensure the provision of a new fire hydrant in an accessible location within 100m of the development for fire safety purposes in line with Avon Fire and Rescue Service requirements.

18 Site Specific Targeted Recruitment and Training (Pre-Commencement)

Prior to the commencement of development a scheme of Site Specific Targeted Recruitment and Training shall be submitted to and approved by the local planning authority. The proposed development shall be carried out in accordance with the approved scheme.

Reason: In the interests of promoting and delivering employment, training and regeneration opportunities that can contribute to a reduction in the health and social inequalities across the District, in accordance with policy SD1 of the Bath and North East Somerset Core Strategy and NPPF.

19 Landscape Design Proposals (Bespoke Trigger)

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

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

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment/ Biodiversity Gain Plan/ Ecological Report/ Bat Mitigation and shall include:

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

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

20 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

07 Nov 2023		Tree Constraints Plan	
07 Nov 2023	A_1002_P3	Existing Site Plan	
07 Nov 2023	A_1003_P8	Proposed Site Plan	
07 Nov 2023	D-0005	Existing Impermeable Area Plan	
07 Nov 2023	D-0006	Proposed Impermeable Area Plan	
07 Nov 2023	D-0010	Existing Flood Exceedance Plan	
07 Nov 2023	D-0011	Proposed Flood Exceedance Plan	
07 Nov 2023	D-0015	Existing Drainage Plan	
20 Oct 2023	D-0016	Enlarged Existing Drainage Plan - Sheet 1	
07 Nov 2023	D-0017	Enlarged Existing Drainage Plan - Sheet 2	
07 Nov 2023	D-0025	Proposed Drainage Plan	
07 Nov 2023	D-0026	Enlarged Proposed Drainage Plan - Sheet 1	
07 Nov 2023	D-0027	Enlarged Proposed Drainage Plan - Sheet 2	
07 Nov 2023	D-0030	Proposed Drainage Details - Sheet 1	
07 Nov 2023	D-0031	Proposed Drainage Details - Sheet 2	
20 Oct 2023	D-0050 P01	Proposed Civil Details - Sheet 1	
30 Jan 2024	22043_Np_Xx_00_Dr_A_1001_P4	Site Location Plan	
20 Mar 2024	22043_Np_01_03_Dr_A_1103_P10	Proposed Apartment Block 1 - Roof Plan	
20 Mar 2024	22043_Np_02_03_Dr_A_1203_P6	Proposed Apartment Block 2 - Roof Plan	
20 Mar 2024	22043_Np_Xx_00_Dr_A_1100_P12	Proposed Apartment Block 1 - Ground Floor Plan	
20 Mar 2024	22043_Np_Xx_00_Dr_A_1200_P12	Proposed Apartment Block 2 - Ground Floor Plan	
20 Mar 2024	22043_Np_Xx_01_Dr_A_1101_P11	Proposed Apartment Block 1 - First Floor Plan	
20 Mar 2024	22043_Np_Xx_01_Dr_A_1201_P11	Proposed Apartment Block 2 - First Floor Plan	
20 Mar 2024	22043_Np_Xx_02_Dr_A_1102_P11	Proposed Apartment Block 1 - Second Floor Plan	
20 Mar 2024	22043_Np_Xx_02_Dr_A_1202_P10	Proposed Apartment Block 2 - Second Floor Plan	
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_1004_P4	Proposed Site Roof Plan	
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_1005_P2	Temporary Hoarding Plan	
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_2100_P10	Proposed Apartment Block 1 - West Elevation	
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_2101_P9	Proposed Apartment Block 1 - North, East And South Elevation	
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_2200_P8	Proposed Apartment Block 2 - North And West Elevation	
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_2201_P10	Proposed Apartment Block 2 - South And East Elevation	

20 Mar 2024	22043_Np_Xx_Xx_Dr_A_3001_P8	Proposed Site Section
20 Mar 2024 - Section 1	22043_Np_Xx_Xx_Dr_A_3100_P7	Proposed Apartment Block 1
20 Mar 2024 - Section 1	22043_Np_Xx_Xx_Dr_A_3200_P8	Proposed Apartment Block 2
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_6000_P10	Proposed 3d Massing Model

2 Condition Categories

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

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

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

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

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

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

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

3 Permit/Consent Decision Making Statement

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

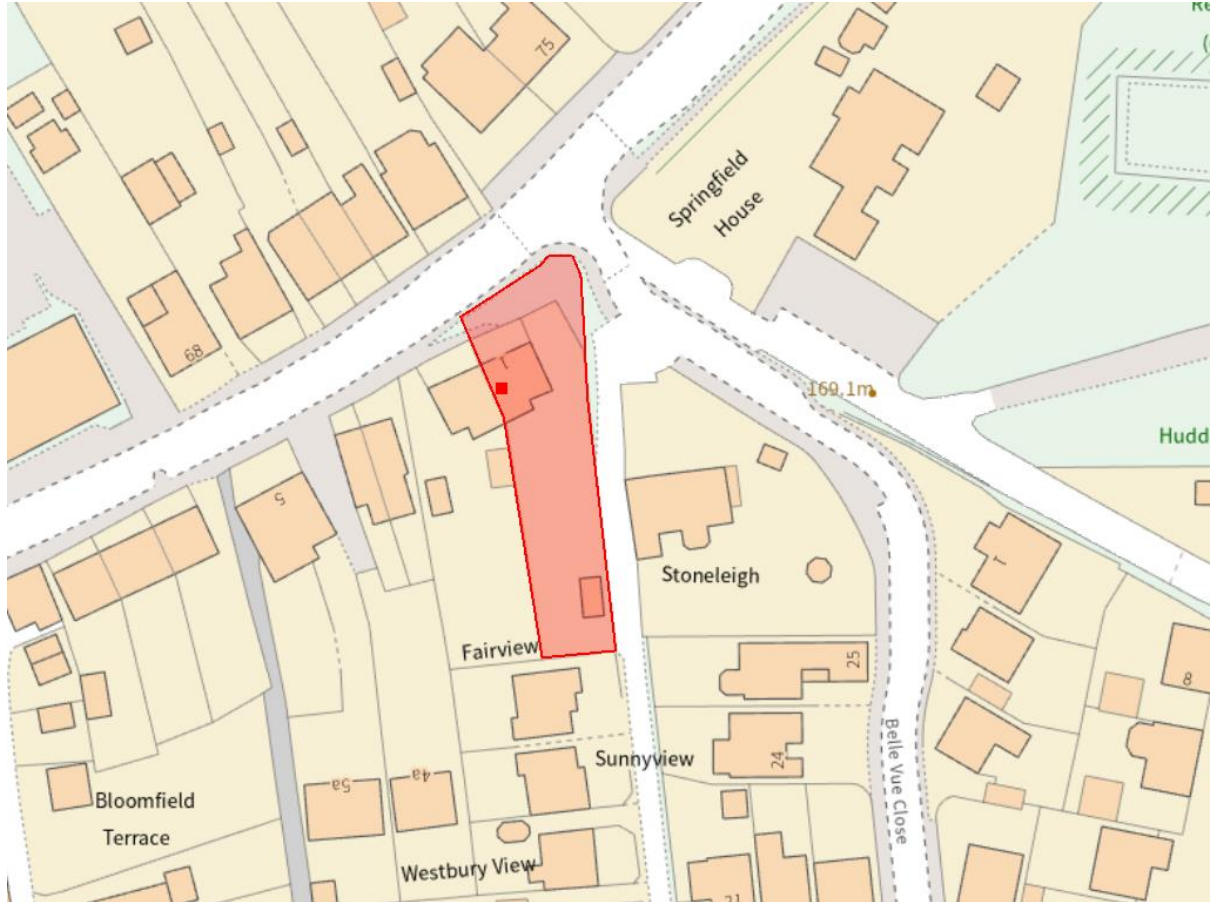
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply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

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

5 Responding to Climate Change (Informative):

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

Item No: 05
Application No: 23/04380/FUL
Site Location: 1 Bath Road Peasedown St John Bath Bath And North East Somerset BA2 8DX



Ward: Peasedown **Parish:** Peasedown St John **LB Grade:** N/A
Ward Members: Councillor Karen Walker Councillor Gavin Heathcote
Application Type: Full Application
Proposal: Change of use of land to residential curtilage and erection of a 3 bed dwelling and associated garaging, bike and bin store
Constraints: White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant: Hudson & Co Unique Developments Ltd
Expiry Date: 8th March 2024
Case Officer: Danielle Milsom
To view the case click on the link [here](#).

REPORT

Following the objection received by Peasedown Parish Council, the application was referred to the Chair of Planning Committee. It was decided that the application should be heard and determined by committee. Comments are as follows:

Cllr Duncan Hounsell: Committee

I note the concerns listed by Peasedown St John Parish Council and some members of the local community. I consider it in the public interest that this proposal is considered and debated in the public domain. A number of planning considerations require explanation and clarification. The committee may wish to carefully examine the case presented by the officer. Issues include some land not in the ownership of the applicant, access, parking and turning, and the future and well-being of the badger sett.

NOTE: The Vice-Chair of Committee, Cllr Ian Housel, was unable to respond to the referral request but confirmed to follow the Chair's guidance.

The application refers to 1 Bath Road, an end of terrace property located within Peasedown St John. 1 Bath Road comprises a two-storey property which falls within the built up residential area.

Planning permission is sought for the change of use of land to residential curtilage and erection of a 3 bed dwelling and associated garaging, bike and bin store.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Ecology: no objection

Highways: no objection

Arboriculture: further information required

Representations Received :

A total of 23 objections have been received during two consultations. A summary of all objections received are as follows:

- o The pavement immediately outside the front wall of 1 Bath Road is part of the adopted highway
- o The proposal involves inclusion of highway land into residential curtilage which will set a precedent
- o The area to the side and rear of 1 Bath Road has been subject to fly tipping which has encroached onto the private lane
- o Revised plans do not show the necessary 1.3 meter width required for the private lane
- o No clear indication of boundary treatment
- o There are no rights of access to the proposed parking spaces

- o The trees within the garden are dangerous and need to be removed for public safety
- o The Council need to balance public safety with the environment in regards to tree retention
- o The rubbish is effecting the badger set on site.
- o The lane is private and unadopted and belongs to residents of Huddox Hill
- o Full restoration of the land is required
- o Very few residents consulted on application
- o Difficult to determine what the plans are for the badger sett
- o Garage sited extremely close to badger sett
- o Foundations will impact the badger sett
- o Further information is needed to confirm no harm to badgers
- o Services in the area are already stretched
- o No indication of turning area
- o The plans are an improvement but need to serve existing residents of Huddox Hill
- o Incorporating private lanes into plan is unlawful and dangerous
- o Lane is not wide enough for emergency vehicles

Note: the above provides a summary of comments received only due to the number of and length of comments received. Full comments can be viewed on the public website.

Transition Bath: Support

We are supportive of this planning application which exceeds the requirements of policy SCR6, providing a good standard of insulation, low carbon emissions and low running costs

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

CORE STRATEGY:

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

CP6: Environmental Quality

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
D6: Amenity
D7: Infill and backland development
RA1: Development in the villages meeting the listed criteria

LOCAL PLAN PARTIAL UPDATE:

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

SCR6: Sustainable Construction Policy for New Build Residential Development
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

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).

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.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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OFFICER ASSESSMENT

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The site is within the Housing Development boundary where the principle of development for the erection of a residential dwelling and change of use of the front garden is acceptable subject to other material planning considerations discussed below.

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.

1 Bath Road occupies a corner plot. The proposed dwelling would be sited within this corner plot, as an addition to the end of the terrace, adjoining with 1 Bath Road. The site is considered to provide sufficient space to accommodate an additional dwelling, with both the existing and proposed dwelling benefiting from sufficient garden space.

With regards to the dwellings design, it would appear as a continuation of the terrace with the dwelling replicating the design of the existing house through its fenestration design and materials. To the rear, a dual pitch valley roof would be created. This is considered appropriate due to the use of gable ends which is a feature of the existing dwelling.

It is also proposed to incorporate an area of land to the front of the property into the residential curtilage of 1 Bath Road and the proposed dwelling. The front of the site has been left to be overgrown with extensive amounts of vegetation to the front corner. Directly to the front of 1 Bath Road comprises a grass verge. This area is known to be part of the adopted highway and therefore part of the Council's ownership. For a period of at least the last 10 years, this area has not be utilised as public highway given its overgrown nature. Occupants have also used the grass verge for parking. The proposal has been altered to increase the pavement width to 2.5 meters which reduces the extent which would be within the curtilage of the proposed dwelling and 1 Bath Road. The boundary is to be distinguished by a 1 meter tall wall. The change of use of the land to within residential curtilage, though the building of the wall is considered to not cause harm to the character and appearance of the site. There is opportunity here to improve the street presence of the property whilst also increasing the pavement width. Highway implications and boundary ownership matters are discussed in a following section. The street scene

will not be significantly harmed by the enclosure of the front boundary wall, a residential appearance will continue.

A detached garage is proposed to be located to the rear of the properties, serving both 1 Bath Road and the proposed dwelling, with a hardstanding created for parking. The garage is subservient to the surrounding buildings and is of a style and design which will not look out of place. Its siting and design is as such considered to be acceptable.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy, 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 proposed dwelling would be sited in a terraced fashion which is a common form of residential development. Windows to the front and rear would not cause a level of overlooking which would result in significant impact upon privacy due to their orientation and distance from neighbouring properties. Its siting will also not cause overshadowing to neighbouring dwellings.

The proposed garage, due to its height, scale and siting will not cause any overshadowing to habitable rooms of neighbouring occupiers. Any shading to neighbouring gardens would be minimal.

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.

Access to the existing and proposed dwelling is taken from the rear of the property down a private road. The private road is accessed from Belle Vue Close and it is noted that in terms of access from the adopted highway, there are no changes proposed to the existing access arrangements. Parking is proposed to be accessed off of Belle Vue Close. As this is a private lane, highways have no comment on this proposal. However, whether access

to these parking spaces is possible has been considered. A letter from the applicants solicitors suggest that 1 Bath Road does have access rights to the lane. Whilst the Council could consider this to be the case, due to objection comments raised, the possibility of the parking spaces not being accessible has also been considered. Should the parking not be achievable, this would not result in an unacceptable proposal. The site is located within the Town Centre and there is considered to be sited within a sustainable location, served by public transport. In addition, a resulting impact of additional cars being parked on unrestricted streets is not likely to cause a severe highways impact due to the quantum of development proposed. The application would still comply with policy ST7 and the Transport Supplementary Planning Document should the parking spaces not be deliverable. Access rights are a separate civil matter for the owner to consider.

Alterations have been made to the front boundary area, in response to concerns raised by the highway team due to the understanding that the front vegetated area is within Council ownership. Whilst in previous years, this area of land has become overgrown, it is still within Highways land and therefore any alterations to this area require a stopping up order to be granted by the highways department. It is therefore important that the site plan aligns with requirements in order for a stopping up order to be granted under highways legislation. Therefore, whilst the widening of the pavement is not required to make the proposed planning application acceptable given that the existing pavement arrangement, revisions to the site plan were made to include the widening of the pavement to accommodate a 2.5 meter width to the front of the proposed boundary wall. This provides a safe a suitable footpath width. Following the grant of planning permission, the owner will be required to apply for a stopping up order which will allow the front garden area proposed to be removed from highway ownership. The highway department are satisfied that the widening of the pavement would likely allow them to grant the stopping up order. This requirement is set out as an informative on the decision notice.

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.

TREES:

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

The site does not fall within a Conservation Area and they are not protected by a Tree Preservation Order. Officers understand that all trees and vegetation have been cleared from the front corner of the site. Previously the trees and hedging were considered to be overgrown and unkept resulting in harm to the character and appearance of the site. Whilst it is regrettable that all vegetation has been removed, this is outside of the control

of the Council. Plans do include planting to the front garden area and planting is required to meet BNG requirements discussed below. Concerns have been raised with regards to the existing tree on site and its potential safety issues. The tree is shown to be retained on the proposed plans. The removal of the tree would be within the applicants gift and is not for the planning process to dictate to require its removal.

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

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 site is not within or immediately adjacent to any designated sites for their nature conservation interest. A badger sett is however present on site within the bottom of the garden as indicated on submitted plans. A site visit in September recorded the presence of footprints confirming the sett is active. Under the supervision of a specialist ecologist, some clearance work has taken place. This assessment has resulted in the inability to determine the extent of the badger sett. As a result, the proposal has been revised to remove proposals to disrupt the badger sett, and therefore removes the need to create an artificial sett.

The email (from consultant dated 20th March 2024) confirms that some further debris clearance has been undertaken supervised by the consultant and this indicated badgers have excavated little soil and are generally exploiting the gaps and openings beneath the dumped materials.

The layout has been revised and the Proposed Site Plan (Dwg no. COBCS-23-096-03C) demonstrates that the sett will be retained within the site, which is welcomed. It is likely that the final removal of rubbish and demolition of the garage may cause disturbance or harm to badgers, therefore the intention to secure a badger licence from Natural England would be supported and this would be a requirement of the applicant under separate legislation. It is acknowledged that full details of the mitigation strategy can be secured by condition.

The badger mitigation and compensation scheme must be strictly adhered to and secured by condition. It should be noted that the works must not commence until the mitigation licence has been confirmed, a licenced badger worker has been commissioned to provide on-site ecological supervision and all other mitigation measures are in hand.

Buildings on site comprise a dwelling and single garage, these were subject to a full internal and external building inspection. A preliminary roost assessment was also carried out of the surrounding trees. No bats were found in or on the building. In addition, there are no opportunities for bat day roosts. The house, garage and trees offered negligible potential for roosting bats. Precautionary working methods is to be secured by condition. The provision of bat roosting enhancement methods is secured by condition.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG).

In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent.

The revised metric completed by the consultant ecologist dated 25th March 2024 demonstrates the following:

- o That all trading rules have been met, which is welcomed.
- o The Leylandii trees located along the eastern boundary have been classified as an ornamental hedgerow, this will be replaced with a species-rich hedgerow.
- o As requested, a proportion of the site has now been classified as a semi-natural habitat (i.e. ephemeral/perennial vegetation).
- o It is disappointing that further planting along the eastern boundary has not been incorporated into the scheme, the target condition of the hedgerow has not been modified nor a plan provided showing proposed habitats, although it is acknowledged that some of the habitats are shown on the Proposed Site Plan (Dwg no. COBCS-23-096-03C). This information can be secured by condition. The metric demonstrates that all other trees present on site will be retained.

Given that the site currently supports minimal vegetation due to the long-standing presence of extensive rubbish, it is acknowledged that the proposed scheme could deliver net gain due to the removal of debris and associated increase in area of vegetated habitats that will be created. Therefore, the scheme can deliver no net loss and "appropriate" net gain in accordance with Policy NE3a. A Biodiversity Gain and Habitat Management Plan will need to be secured by condition.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

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

In this case the submitted SCC shows that the proposed dwelling will achieve a space heating standard of 20.7 kWh/m²/annum, total energy use of 35.7 kWh/m²/annum and on-site renewable energy generation of 37.4 kWh/m²/annum. All figures are compliant with the requirements of policy SCR6.

Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g., water butts). These matters can be secured by a relevant planning condition.

OTHER MATTERS

Objection comments have raised concerns with regards to the ownership boundary issues, in relation to the front area and side access lane.

As explained with the highways section, the front verge is confirmed to be a part of the adopted highway and therefore falls within Council ownership. This does not preclude planning permission from being applied for or granted. The site plan was revised in line with advice given from the highways department. Following this revision, the highways department are content that a stopping up order could be granted to allow the release of the adopted highway into the applicants ownership. This was on the provision that the pavement width was increased and subsequent visibility was improved at the junction. A condition would be added to any permission requiring the stopping up order to be granted prior to any further work being carried out.

With regards to the side access lane which serves residents along Belle Vue Close, concern has been raised that the residents of 1 Bath Road do not have access rights along this lane and this therefore would restrict access to parking areas. As the lane is in private ownership, any issues regarding access rights would be a civil matter for residents to dispute. This would not preclude planning permission from being granted and is of separate consideration outside of the planning departments control.

It is also noted that construction has commenced on site without the benefit of planning permission. This has been taken into account within the wording of proposed conditions. Should conditions be breached by works continuing past specified triggers, this would be a breach of planning and would therefore be subject to enforcement action consideration.

CONCLUSION:

The proposal is considered to be acceptable in principle and will not cause harm to the character and appearance of the area or residential amenity. Highways issues have been resolved through amendments to the scheme, as have ecology issues. Concerns regarding boundary issues are separate civil matters. The proposal is recommended for approval.

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 Badger Licence and Wildlife Mitigation Scheme (bespoke-trigger)

No further works to the rear garden of 1 Bath Road shall take place until full details of a Badger and Wildlife Mitigation Scheme has been submitted to and approved in writing by

the local planning authority. These details shall be in accordance with the recommendations Section 5 of the Ecological Assessment produced by Country Contracts dated November 2023, subsequent email from Country Contracts dated 20th March 2024 and Proposed Site Plan (Dwg no. COBCS-23-096-03C) including:

1. Final details of the badger mitigation and compensation scheme (which can if desired take the form of a Natural England licence application), OR a copy of the Natural England badger mitigation licence that has been granted. All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development;
 2. Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to badger, bats and nesting birds, and proposed reporting of findings to the LPA prior to commencement of works;
- and
3. Details of proposed measures to compensate and enhance the value of the site for wildlife to include provision of a bat roosting opportunity in a roof void over the new garage, two bird boxes, an insect brick/hotel and hedgehog gaps.

Reason: To prevent ecological harm to badger, bats and other wildlife in accordance with Policy NE3 of the Bath and North East Somerset Local Plan and to provide biodiversity gain in accordance with NPPF and Policies NE3 and D5e.

3 Biodiversity Gain and Habitat Management Plans (bespoke-trigger)

No further development shall take place until, full details of a Biodiversity Gain Plan for on-site delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver at least 0.2178 habitat units and 0.601 hedgerow units. The plans shall be in accordance with (but not limited to) the approved report and associated metric and shall include (but not be limited to) the following:

- A) An up-to-date BNG habitat map for on-site proposed habitats.
- B) Habitat Management Plan- long-term management and protection measures for all retained habitats including trees and species, including fencing and boundary details.
- C) A detailed prescription and specification for the establishment of the native hedgerow, other neutral grassland and allotment to provide biodiversity gain.
- D) Annual work schedule for at least a 30 year period.
- E) Monitoring strategy for the native hedgerow, other neutral grassland and allotment and details of proposed reporting to the Local Planning Authority and LA Ecologist.
- F) Proposed resourcing and responsibilities.

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

Reason: To protect and enhance ecological interests in accordance with the Wildlife and Countryside Act 1981 (as amended) and Bath and North East Somerset Local Plan policies NE3, NE3a and D5e.

4 External Lighting (Bespoke trigger- requires approval of details prior to installation of new lighting)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include:

- i) Proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; and
- ii) Details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land.

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

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

5 Ecological Compliance Report (Pre-occupation)

Prior to occupation of the development hereby approved, a report by a suitably experienced professional ecologist (licenced badger worker) based on post-construction site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological mitigation measures and Biodiversity Net Gain Assessment (revised and updated version approved by condition) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Confirmation of compliance with the badger and wildlife mitigation scheme referenced above including dates and evidence of any measures undertaken to protect site biodiversity;
2. Evidence that a Natural England badger mitigation licence was in place before works proceeded; and
3. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3, NE3a and D5e of the Bath and North East Somerset Local Plan.

6 Garages (Compliance)

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained to avoid an increase in on-street parking which would be detrimental to highways safety in accordance with policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

7 Parking (Compliance)

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

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and policy ST7 of the Bath and North East

Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

8 Rainwater Harvesting (Pre-occupation)

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

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

9 SCR6 Residential Properties (Pre-occupation)

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

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

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)
3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

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

10 Water Efficiency (Compliance)

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

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

11 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:

Revised Drawing PLAN	26 Mar 2024	COBCS-23-096-03C	PROPOSED	SITE
Revised Drawing PLANS	13 Dec 2023	COBCS-23-096 - 04	PROPOSED	FLOOR
Revised Drawing ELEVATION	13 Dec 2023	COBCS-23-096 - 05A	PROPOSED	
Revised Drawing GARAGING	13 Dec 2023	COBCS-23-096 - 06A	PROPOSED	

2 Order under Section 247 of the Town and Country Planning Act 1990

Prior to the commencement of works on site, the applicant must apply for an Order under Section 247 of the Town and Country Planning Act (1990) to stop up the highway. For more information see the following link

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

Please note, such orders cannot be sought retrospectively and must be done before any works commence on site.

3 Condition Categories

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

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

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

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

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

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

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

4 Permit/Consent Decision Making Statement

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

5 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

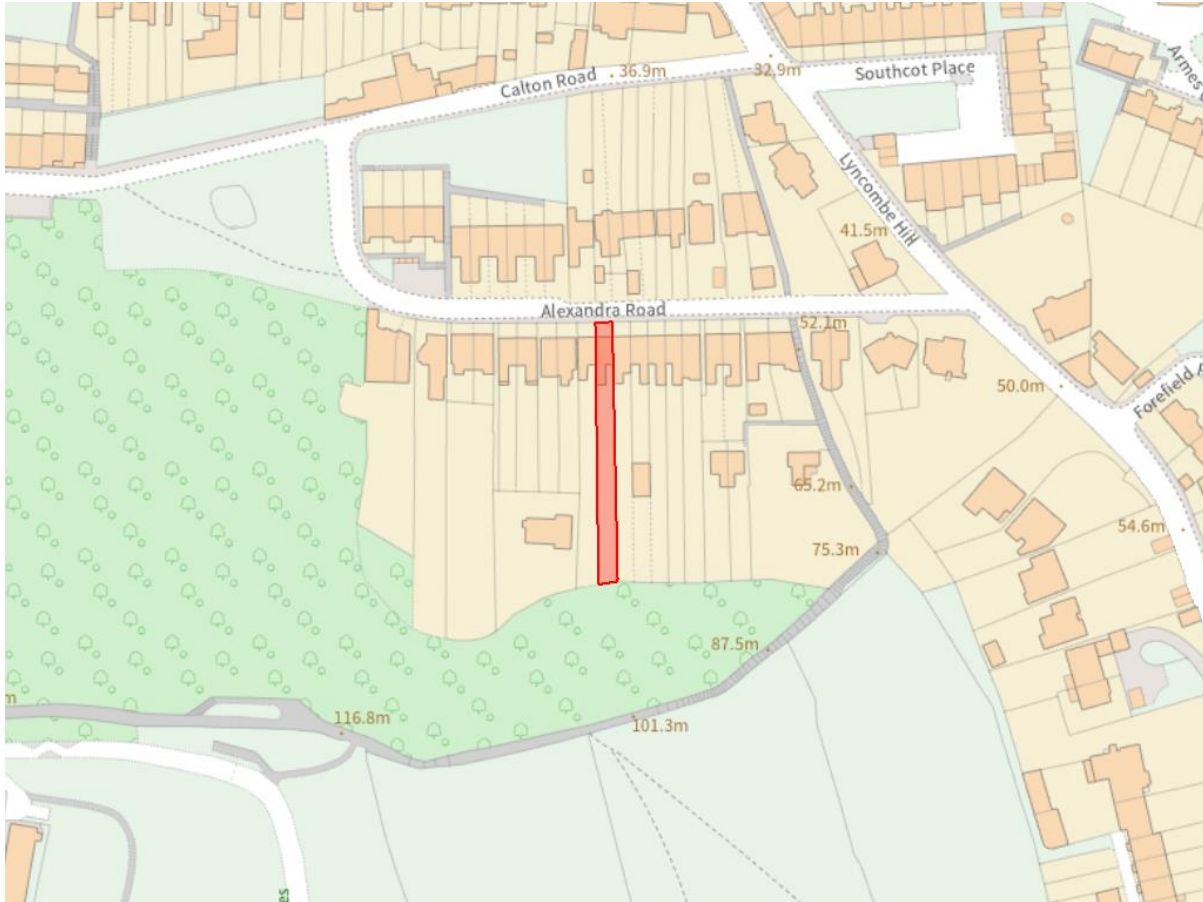
6 Responding to Climate Change (Informative):

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.

7 Disruption or harm to protected species is an offence under the Conservation of Habitats and Species Regulations 2017. A license from Nature England is required prior to any development commencing to the rear of the site which may disrupt the identified Badger Sett.

8 The existing tree on site could be dangerous. The owner is advised to seek advice from an arborist to consider the health of the tree and remove should the tree present a threat to public safety.

Item No: 06
Application No: 24/00163/FUL
Site Location: 19 Alexandra Road Lyncombe Bath Bath And North East Somerset BA2 4PW



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 rear side return infill extension and loft conversion, including the addition of external insulated render to the rear elevation.

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, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, NE3 UK Priority Habitats, Ecological Networks Policy NE5, NRN Woodland Core Existing Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,

Applicant: Mr Michael Donnelly

Expiry Date: 11th March 2024

Case Officer: Kirsty Pratt

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

REPORT

Reason for determination at committee:

This application was called in to committee by Councillors Alison Born and Deborah Collins. As planning officers wanted to refuse the application, contrary to how the councillors felt the application should be determined, the application was referred to the Chair and Vice Chair who decided it was in the public's interest for the application to be determined at committee.

Details of location and proposal and Relevant History:

The application refers to the property known as 19 Alexandra Road, which is located within the Lyncombe area of Bath. The property is a two storey, mid-terraced dwelling with a two storey outrigger. The property benefits from a small front garden and a large rear garden which due to the typography of the land, slopes up away from the dwelling.

The dwelling is located within the Bath World Heritage Site and within the Bath Conservation Area.

Planning permission is sought for the erection of dormer extension to the rear roof slope, a two storey rear extension and alterations to the roof of the existing outrigger. Permission is also sought for external render insulation to the rear elevation of the dwelling and solar panels are proposed on top of the roof of the outrigger.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

None

Representations Received:

Councillor Comments: Written comments provided by Cllr Born and Cllr Collins. These comments included a photograph which can be seen on the BANES planning website as part of the uploaded comment.

'As ward councillor, I am writing on behalf of myself and Cllr Born in support of Application 24/00163/FUL, for changes to the rear of 19 Alexandra Road, and ask for this decision to be referred to Committee if officers are minded to refuse the application. Our reasons are as follows:

1. The council declared a climate emergency in 2019. In the latest climate emergency strategy, published in March 2023, it noted that 38% of our direct and indirect carbon

emissions come from domestic buildings. As a result, one of the top three priorities for the council is to decarbonise buildings. Research suggests that approx. 65,000 of the homes in BANES need some form of energy saving measures by 2030. This application would improve the energy efficiency of the property by the use of insulated render, minimising thermal bypasses in its design (with particular reference to the loft conversion), upgrading glazing, introducing micro-renewables through the new solar panels and eliminating the use of gas for heating and hot water. In principle, this type of retrofitting should be encouraged, and balanced against any potential harm.

2. According to an energy performance assessment carried out in 2022, this property's current environmental impact rating is E. It has the potential to be B (see link to energy performance certificate - (EPC) - below). The proposed development will install all of the required changes outlined in the EPC to change the property to a band B rating. According to the EPC, it currently produces 1.3 tonnes of CO2 annually - but these CO2 emissions could be significantly reduced by making the suggested changes outlined on the EPC. The EPC estimated an annual saving of £557 (based on 2022 energy prices) if the property were to implement the required changes to move it from band E to band B. See EPC here: <https://find-energy-certificate.service.gov.uk/energy-certificate/8332-4329-8209-0368-2226>

3. There is precedent for the use of insulated render in a conservation area, for example on the same road at no. 12 Alexandra Road(17/03628/FUL) and in nearby Park Ave (22/04394/FUL). 2

4. In addition, we do not consider that there is any real harm to the conservation area. The proposed changes will only affect the rear of the property which is not visible from the public realm at all. At the rear, Alexandra Rd properties present no uniformity: the original designs did not show a high degree of uniformity, and to the extent that they once did, over the years they have been changed, extended and adapted in very different ways along the terrace, with varying degrees of architectural merit (see below: pic 1 looking left along the terrace, and pic 2 looking right). The properties on the South side of the Road have steep gardens leading up to a wooded and largely inaccessible area of Beechen Cliff, so their rear elevations are not visible except from each others' gardens. Therefore, even if there were concerns about the design, the application has very low visual impact.

5. Having visited the site, it is clear that other properties in the road, including the immediate neighbouring property, have been successfully extended at all three stories without creating any visual dominance, partly because the gardens are so steep from so close to the rear of the houses that they read as being much lower than they would on flat ground. There is therefore a precedent in this terrace for significant extensions beyond small dormers.

6. In our view, the design has been carefully thought through to be in keeping with the character of the conservation area, and will improve the visual appearance of the rear of the property rather than detract from it. The simple design reflects the 'square box' designs of many Georgian/Victorian stone properties in the Lyncombe / Widcombe area. Whilst neighbouring properties at the rear have opted for modern materials/design (including steel balconies, bi-fold doors, wooden cladding and UPVC double glazing), the applicant provides design features that are in-keeping with Bath architecture, e.g. replicate tall wooden sash windows that are in proportion and in line with the lower floor.

7. There have been no objections to this application from neighbouring properties. The applicants have consulted with neighbours and inform us that they are supportive.'

Comments from neighbours in SUPPORT:

4 comments received.

1. 'I regularly visit and walk along this road near Alexandra Park. I think the council should support investment in these old houses on the road. In particular, in my view, BANES should also be permitting developments that have put substantial care towards emissions and energy efficiency - as seems to be the case from what I can see with this proposal. Although you of course cannot see the rear of the houses from the road, the rear proposed design clearly follows passivhaus principles from what I can see with the plans online. Many grade I or II listed properties in Bath cannot be made Net Zero, and so I also think it is imperative that those non-listed properties compensate for this and are designed + modernised to maximise sustainability.'

2. 'I think that continued investment in properties on this road is a positive, and I feel the designs are a nice blend of maintaining character with modern day practicality'

3. 'I'm happy to support this application and have no objections. The plans are in keeping with what I'd expect of the terrace, including the kitchen extension and the rear elevation and the loft conversion.'

4. '(REDACTED TEXT)... and, as a result, have a great view of the back of the house from our garden. We think the renovations to the back of number 19 will vastly improve the look of the terrace. At the moment, the rear of this row of houses looks a little untidy and miss -matched. This simple and attractive Georgian-style design, we believe, would sit well against a backdrop on the Bath aesthetic and therefore enhance the look of the terrace. We are very happy to be supportive of the proposed development.'

Comments from neighbours in OBJECTION:

2 comments were received in objection to the application. Comment 1 is a 6 page letter which includes photos as well. Written text is pasted below, but please refer to the full document on the BANES planning website to view the photographs as well.

1. We object to Application 24/00163/FUL, for changes to the rear of 19 Alexandra Road and ask for Officers to refuse the application as it is currently proposed. We are not averse to the property being extended, but request that the design be adjusted to bring it in line with the existing character and style of the terrace. Our reasons are as follows: 1. The proposal of the rear elevation is overscaled relative to adjoining dwellings. 2. The proposal of the upper storey rear elevation, second floor façade and flat roof is not in keeping with the character of the terrace and of existing properties with pitched roofs and dormers. We have the following comments: Concerning the design statement: The design statement references "...multiple examples of loft conversions taking place with larger dormer windows and raised eaves to the rear elevations and roof-lights incorporated on many of the front roof slopes." There are no examples in the existing terrace of the upper storey being of this large massing. The existing examples of raised eaves all retain roof slopes and do not present such large flat elevations, massing and flat roofs. The design statement says that "The space to the side of the existing two storey extension allows for an infill to be constructed without a large effect on the surrounding houses." The infill has potential to limit ability for maintenance for our adjacent property, as the proposed manner of infill may make it difficult to erect scaffolding should this be required for any future essential rear elevation repairs. The design statement says "... while keeping the new built form to a minimum.". However the proposal does not minimise the built form, instead it increases built form and massing (particularly at the upper storey) beyond that of other properties in the row. There is Council precedent for rejecting lower volumes of loft extension massing. In 2010 initial considerations for a loft extension for No. 18, as shown in Figure 1, were submitted for a pre-planning review. These involved less development

volume than currently being proposed for No.19. The Planning Team advised that the proposals would be rejected if submitted and asked for the loft extension volume to be reduced and designed as a dormer similar to that of No. 16. The loft extension was reduced in line with the Planning Team advice. The design statement of the extension of No.18 (see 10/00369/FUL) states that "The proposed alterations to the rear elevation [of No. 18] have been made with consideration to comments received from the planning officer; David Cox (ref 09/02090/PREAPP), dated 22nd July 2009."

We propose therefore that the massing proposals for No. 19 which are larger than those rejected for the pre-application of No. 18 should be rejected to maintain the similarity of scales through the row of terrace properties. The final design statement of No. 18 included the wording "The south façade [of No. 18] is raised by 1200mm above the eaves line of no. 19, taking it into alignment with no. 17. The scale of the dormer reflects the dormer of no. 16. We believe that the proposed extensions are modest in scale and sympathetic with the building's surroundings" . The design statement offers two photos, Figure 2, of examples of nearby buildings which acted as design inspiration with the statement that the proposal is "in keeping with the design language of a simple stone box".

However the left hand photo of a building used as a case study has a pitched roof. The right hand photo is of a detached house and therefore using as a case study for a proposal for a terrace dwelling is not correct compared to respecting an appropriate composition, form and massing to the existing row of terrace dwellings with their existing roof line, existing raised eaves line and pitched roofs. The design statement offers two photos of the existing rear elevations of the terrace, reproduced in Figure 3 below.

The splitting of the elevation of the terrace dwellings into two photos and the restricted selection of the dwellings in the photos to only dwellings 20-22 and dwellings 14-17 as shown in Figure 3, fails to allow a full reading of the sympathetic massings and current consistency and uniformity of the horizontal eaves level of the rear elevations of all dwellings 14-18 (whether as approved loft extension or original construction). This is shown in Figures 4 and 5.

We also have comments concerning the document of Collins and Born: - The first and second of their comments concerning climate emergency and energy are irrelevant to consideration of the need to reject the design proposal because of its inappropriate massing. Energy measures could be applied to an extension without the need for such overscaled massing. - Concerning the fourth point: o We disagree that the existing properties do not show uniformity; they all retain pitched roofs to the main roof and they all have eaves raised to the same heights above second storey as has been described in our earlier comments. o Collins and Born state that "rear elevations are not visible except from each others' gardens. Therefore the application has very low visual impact." The application does have visual impact from the gardens and the statement is incorrect as the proposed first floor extension would be visible from our top floor windows. - Concerning the fifth point: o Collins and Born state that "...other properties in the road, including the immediate neighbouring property, have been successfully extended at all three stories without creating any visual dominance". We agree but stress that the existing lack of visual dominance has arisen due to previous Council requirements to limit the loft extension massing at No. 18 to be of similar size and style as that of No. 16, plus matching the level to which eaves are raised, whereas this proposal would create overscaled visual dominance. Collins and Born state that "There is therefore precedent in this terrace for significant extensions beyond small dormers." There is precedent for extensions but there is no precedent for an upper storey extension of this type, scale and flat roof form. Indeed there is precedent for a loft extension volume smaller than this being rejected. - Concerning the sixth point: o Collins and Born state that "The simple design

reflects the 'square box' designs of many Georgian/Victorian stone properties in the Lyncombe / Widcombe area" but we propose this is incorrect compared to respecting an appropriate composition, form and massing to the existing row of terrace dwellings with their existing roof line, existing raised eaves line and pitched roofs.

2. 'We have no objection in principle. However, the flat roof and second floor facade is not in keeping with the character of other properties in the terrace. We would suggest a pitched roof and dormer window, with consistency to other existing properties.'

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

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

HE1: Historic environment

SCR2: Roof Mounted/Building Integrated Scale Solar PV

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within 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
D5: Building design
CP1: Retrofitting existing buildings

SUPPLEMENTARY PLANNING DOCUMENTS:

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

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

Energy Efficiency, Retrofitting and Sustainable Construction Supplementary Planning Document (February 2022)

NEIGHBOURHOOD PLANS:

The following Neighbourhood Plan is relevant to the determination of this application:

There is no adopted neighbourhood plan of relevance to this application.

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2023 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

DESIGN, CHARACTER, AND APPEARANCE:

Policies D1, D2 and D3 of the Placemaking Plan and D5 of the Local Plan Partial Update 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 permission for a rear dormer roof extension, alongside a two storey rear infill extension which includes alterations to the roof of the existing outrigger and external render insulation to the rear elevation.

Roof Extension:

Alexandra Road is residential in nature, consisting of a mix of detached, semi-detached and terraced dwellings. The dwellings are primarily two storey in height with pitched tiled roofs above. Some properties have been extended with roof extensions of varying forms, therefore the principle of a roof extension in this location, despite being in a Conservation Area, and within the Bath World Heritage Site, is considered acceptable subject to design.

The dormer extension proposed spans the full width of the roof. It is not set back from the eaves and is set down just 10cm from the ridge of the roof. It covers the entire roof slope, as such, it is not considered to fit comfortably within the existing roof slope but appears as a full height third floor. Officers note there have been other roof extensions within the area to other residential properties. They vary in design and form however they are all considerably smaller in scale and have retained a greater proportion of the original roof slope, retaining the character and appearance of development in the area which as discussed prior, is primarily two storey dwellings with pitched tiled roofs above. The dormer extension, due to its scale, is therefore considered to be out of character with surrounding development.

The dormer would be finished in render which is contrasting with the adjacent roof tiles on either side. This allows the dormer to appear more dominant and incongruous. The use of render for dormer extensions can be acceptable when used in smaller quantities however in this instance due to the scale of the dormer, the use of render exacerbates the dormers dominance.

As the dormer extension covers the entire rear roof slope, is not set back from the eaves, and would be finished in render, it significantly alters the appearance of the dwelling from the rear. The dwelling would no longer appear to have a roof, which is contrary to the existing character and appearance of development within the street. The application property is also located within the middle of a terrace of dwellings. The proposed dormer extension significantly interrupts the roof slope of the terrace, causing a visual divide between the dwellings within the terrace. The proposed dormer is therefore not respectful of the existing character and form of the terrace.

As mentioned, the design and form of development within the area is varied however, the proposed dormer extension is significantly larger than other roof extensions and is of an

entirely different form to any other nearby roof extensions. It appears significantly more dominant, is incongruous and appears at odds with surrounding development.

If consent was given, the proposed dormer would introduce a new form of harmful and unacceptable development within the area. Views of the dormer from the rear are limited, visible only to neighbours or other individuals within the rear gardens of neighbouring properties within the street, however, giving consent for a dormer of this scale and form would make it much harder for officers to refuse similar dormer extensions on other properties within the area in the future. This may lead to more extensions of this form in locations where the development is more visible to the public and overtime this would have a significantly greater detrimental impact on the Conservation Area and World Heritage Site. Officers consider that giving consent for this dormer would set an unacceptable and harmful precedent within the area which would be detrimental to the Conservation Area and World Heritage Site.

It has been established that the dormer extension would not be visible from the street scene and views of the dormer to the rear are limited to neighbours and occupiers of neighbouring gardens only however officers do not consider that this means there would be no harm caused to the character and appearance of the area.

3D Mapping systems such as google earth have become popular forms of software used by many. The proposed dormer extension would become visible to a much wider audience on software such as these. Bath is also a popular location for hot air balloon rides, whereby visitors and other participants can see Bath from above. The development proposed may not be visible to the public from ground level, but it is possible that the development could be seen by a wider number of people from above and electronically. Whilst the number of people may not be significant, it is still important to recognize that even though views of the development from the rear are limited, it does not mean that the development would never be seen or that it would not still appear harmful to the character and appearance of the area or detrimental to the Conservation Area of World Heritage Site.

Rear Extension:

The application seeks permission for a two storey infill extension which would sit between the outriggers of No.19 and No.18. It does not extend above the eaves of the main roof and it respects the existing building line to the rear. There are other properties which have extended within the gaps between the outriggers, as such officers consider an extension in this location would not appear out of character.

The infill extension would have a flat roof form and the application seeks to replace the roof over the outrigger with a flat roof as well. The host dwelling is part of a terrace whereby the other properties also have two storey outriggers which originally are likely to have been of the same depth and form. Whilst some outriggers have been extended, they all retain the same roof form. Officers consider the existing roof form to be more in keeping and respectful of the character and appearance of the host terrace however given the outriggers are not entirely identical and given the limited views of the extension being to the rear of the dwelling, the degree of harm to the character and appearance of the area, as a result of the flat roof form is not considered significant as to form a contributing reason for refusal of this application.

The proposal seeks to apply external render insulation to the rear elevation. Render is seen on the rear of other properties within the area and is not entirely out of character as such this element of the proposal is considered acceptable in terms of design.

Overall, the proposal does not accord with policy CP6 of the Core Strategy, policies D1, D2, D3 and D4 of the Placemaking Plan, D5 of the Local Plan Partial Update, and part 12 of the NPPF. This is due to the large dormer extension which gives an appearance tantamount to a three storey building, is excessive in scale, incongruous, fails to respect the character and appearance of the host terrace and wider area, sets an unacceptable precedent and is harmful to the Conservation Area and wider World Heritage Site.

WORLD HERITAGE SITE:

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

In this instance, as discussed above, officers consider the proposed development due to the scale, form, and overall design of the roof extension, is unacceptable in terms of design and therefore consider the development would harm the setting of the World Heritage Site.

The proposal fails to accord with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

CONSERVATION AREA:

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. In this instance, as discussed above, officers consider the proposed development due to the scale, form, and overall design of the roof extension, is unacceptable in terms of design and therefore consider the development would fail to preserve the character of the Conservation Area.

The proposal fails to accord with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

RESIDENTIAL AMENITY:

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

The application seeks permission for a two storey rear extension, as well as alterations to the roof form of the existing outrigger. The proposed extension respects the existing building line and does not extend beyond the depth of the outrigger to No.18. Given the

height and depth of the extension, and its position between two existing structures, it would not allow for harm to neighbour amenity by virtue of loss of light, overshadowing or overbearing harm.

The alterations to the roof form of the existing outrigger, would result in an increase in height to the development on the boundary of No.20. The increase in height would be approximately 70cm. Officers note the area of garden space belonging to No.20, directly adjacent to the outrigger of No.19 is narrow, and not practical for many outdoor uses. Due to the existing outrigger to No.19, the space is already subject to overbearing harm and does not benefit from good levels of light. No.20 has two windows adjacent to the outrigger of No.19. The outrigger blocks light to the adjacent ground floor level window however the first floor window still obtains light vertically, over the top of the outrigger. The proposed increase in height, is not expected to significantly reduce the level of light to the adjacent first floor window. Overall, given the existing relationship between the two neighbouring properties, it is considered the small increase in height on the boundary of No.20, as a result of the revised roof form, is not going to cause significant additional harm to the amenity of the occupiers of No.20 by virtue of loss of light, overshadowing or overbearing harm.

A dormer roof extension is also proposed. This sits within the existing roof and does not extend beyond the existing rear elevation. It therefore would not allow for harm to neighbour amenity by virtue of loss of light, overshadowing or overbearing harm.

External render insulation is proposed to the rear elevation. This will have no impact on the amenity of neighbours.

There are no new windows proposed that are positioned or orientated as to allow for overlooking harm to neighbours.

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

ENERGY PERFORMANCE IMPROVEMENTS:

Policy CP1 of the Local Plan Partial Update states Retrofitting measures to existing buildings to improve their energy efficiency and adaptability to climate change and the appropriate incorporation of micro- renewables will be encouraged and further states that the Council will seek to encourage and enable the sensitive retrofitting of energy efficiency measures and the appropriate use of micro-renewables in historic buildings (including listed buildings and buildings of solid wall or traditional construction) and in conservation areas, whilst safeguarding the special characteristics of these heritage assets for the future. Proposals will be considered against national planning policy and the policy is supported by the Energy Efficiency, Retrofitting and Sustainable Construction Supplementary Planning Document.

BANES have declared a climate emergency and are aiming to be carbon neutral by 2030. The Energy Efficiency, Retrofitting and Sustainable Construction Supplementary Planning Document sets out three ways in which the council will try to achieve this. One method is through supporting Energy efficient improvements to existing buildings.

The application seeks to make some alterations to the property which would improve the energy performance of the dwelling as discussed within the Design and Access Statement. This includes external wall insulation to the rear of the dwelling, improved insulation within the roof, solar panels on the flat roof of the outrigger and new windows. Whilst it has not been stated within the design and access statement, it has been suggested by the applicant and agent that the dormer would follow the passive house design principles, although the information to support this is limited.

Officers are extremely supportive of measures to improve the energy performance of dwellings however, as mentioned within the SPD, it is vital that changes are consistent with the aims and objectives of heritage protection and the statutory duty of care placed on the Local Planning Authority (LPA) by primary legislation and Government policy. The site is within the Conservation Area and within the World Heritage Site and therefore a balanced judgement needs to be made between the benefits of the measures to improve the energy performance of the dwelling and the impact of the Conservation Area and World Heritage Site. As stated in the earlier section, 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.

Officers are supportive of the external render insulation to the rear elevation, the addition of solar panels to the roof of the outrigger, replacement windows and the improved insulation within the roof. Officers are satisfied these measures could be implemented without harming the character of the Conservation Area or the setting of the World Heritage Site.

The fundamental issue with the proposal is the dormer extension. The dormer extension by virtue of its design, and scale is considered harmful to the appearance of the dwelling and terrace and harmful to the character of Conservation area and the setting of the World heritage site. The provision of all other measures proposed to improve the energy performance of the dwelling are not reliant on provision of the dormer extension. As they are not directly dependant on each other, officers consider the proposed energy performance improvements to the building do not provide adequate justification to outweigh the identified harm to the character of the Conservation Area and setting of the World Heritage site, which comes in the form of an excessively large and incongruous dormer extension.

The council have encouraged the applicant to reduce the scale of the dormer however one of the reasons for choosing not to was because they suggest that dormer then would not be able to follow the passive house design principles. The design and access statement does not refer to the passive house design principles however the agent has made reference to them in correspondence. The main principles of passive house design for retrofitting buildings are as follows:

- Improving the insulation and the minimisation of thermal bridges
- Improving the airtightness of the building

- Inclusion of mechanical ventilation with heat recovery
- Use of renewable energy sources

The application has demonstrated there will be improved insulation and solar panels are proposed however details to show compliance with all principles have not been provided.

A BANES sustainable construction officer was informally consulted on the application, to confirm whether the passive house design principles had been followed. The response given was that it is clear some of the passive house design principles have been followed however some further information would be required (what is the new method of providing hot water and heating, how much energy do the PV panels produce, what will the air tightness be after the improved insulation is installed, is mechanical ventilation proposed etc.) to confirm that 'passive house principles have been followed'.

Based on the limited information, officers are therefore unable to confirm for certain that the development has been carried out in full compliance with the passive house design principles and therefore consider only very limited weight and consideration can be given to this argument to justify the dormer extension particularly as the measures are not dependent on the dormer being constructed. Officers maintain the view that the dormer is excessively large in scale and harmful in terms of design, and there are no adequately demonstrated energy performance related benefits which outweigh the harm that would be caused to the character and appearance of the host dwelling, terrace and wider Conservation Area and World Heritage Site.

Overall, officers consider the energy performance of the building could be improved without the excessively large dormer extension that is proposed. As a result of the dormer, the proposal is not preserving the character of the Conservation Area or the setting of the World Heritage Site as required by legislation and government policy. The proposal is therefore contrary to policy CP1 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.

CONCLUSION:

The proposed development would not cause harm to the amenity of neighbours however the proposed dormer extension by virtue of its scale, form and design is unacceptable and harmful to the character and appearance of the host dwelling, terrace and wider area. It fails to preserve the Conservation Area and harms the setting of the World Heritage Site. The degree of harm due to the proposed dormer is not outweighed by the alterations proposed to improve the energy performance of the dwelling as these changes are not reliant on the dormer and could be implemented without the addition of the harmful dormer extension. The proposal therefore does not comply fully with the relevant policies and it is recommended that the application is REFUSED.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development by reason of its design, form, siting and excessive scale, would cumulatively present an addition which would not respond positively to site context and would cause visual harm to the character and appearance of the host dwelling,

terrace and wider area. Development should be sympathetic to local context and complement the host dwelling, which officers consider the proposal does not. Therefore, the proposals would be contrary to policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3 and D4 of the Placemaking Plan, D5 of the Local Plan Partial Update for Bath and North East Somerset (2017) and part 12 the NPPF.

2 The proposed development by reason of its design, form, siting and excessive scale, would cumulatively present an addition which would fail to preserve the character of the conservation area and the setting of the world heritage site contrary to policies B4 and CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

PLANS LIST:

1 This decision relates to the following plans received 15 January 2024

Site location plan

Existing floor plans (drawing no. 23006/003)

Existing section A-A (drawing no. 23006/004)

Existing section B-B (drawing no. 23006/0050)

Existing section C-C (drawing no. 23006/006)

Existing front elevation (drawing no. 23006/007)

Existing rear elevation (drawing no. 23006/008)

Proposed site plan (drawing no. 23006/009 A)

Proposed floor plans (drawing no. 23006/010 D)

Proposed section A-A (drawing no. 23006/011)

Proposed section B-B (drawing no. 23006/012 C)

Proposed section C-C (drawing no. 23006/013 B)

Proposed front elevation (drawing no. 23006/014 A)

Proposed rear elevation (drawing no. 23006/015 D)

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	8th May 2024
RESPONSIBLE OFFICER:	Gary Collins – 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: 23/02991/FUL
Location: 216 Bloomfield Road Bloomfield Bath Bath And North East Somerset BA2 2AX
Proposal: Loft conversion with rear dormer, erection of decking at rear and new parking to front of property.
Decision:
Decision Date:
Decision Level:
Appeal Lodged: 26 March 2024

App. Ref: 23/02922/OUT
Location: Oaklea Sleep Lane Whitchurch Bristol Bath And North East Somerset
Proposal: Erection of Up To 9 Residential Dwellings (Use Class C3) with All Matters Reserved Except for Access
Decision: REFUSE
Decision Date: 7 February 2024
Decision Level: Delegated
Appeal Lodged: 27 March 2024

App. Ref: 23/02236/OUT
Location: Halfway Farm Stanton Road Stanton Drew Bristol Bath And North

East Somerset

Proposal: Outline application for the demolition of the existing farm buildings and farmhouse and replace with 5 new dwellings, all matters reserved (Resubmission)
Decision: REFUSE
Decision Date: 17 August 2023
Decision Level: Delegated
Appeal Lodged: 15 April 2024

App. Ref: 23/03347/ADCOU
Location: Halfway Farm Stanton Road Stanton Drew Bristol Bath And North East Somerset
Proposal: Prior approval request for change of use from Agricultural Building to 1no. Dwelling (Use Class C3).
Decision: REFUSE
Decision Date: 2 November 2023
Decision Level: Delegated
Appeal Lodged: 15 April 2024

App. Ref: 21/05103/OUT
Location: Land To North West Of Junction With Mill Road Frome Road Radstock Bath And North East Somerset
Proposal: Outline application (with all matters reserved) for the erection of a detached dwelling.
Decision: REFUSE
Decision Date: 21 July 2023
Decision Level: Delegated
Appeal Lodged: 17 April 2024

App. Ref: 23/01274/FUL
Location: Belgrave Cottage Camden Road Beacon Hill Bath Bath And North East Somerset
Proposal: Erection of a single storey rear extension together with associated internal and external alterations following demolition of an existing single storey rear extension.
Decision: REFUSE
Decision Date: 5 December 2023
Decision Level: Delegated
Appeal Lodged: 22 April 2024

App. Ref: 23/01275/LBA
Location: Belgrave Cottage Camden Road Beacon Hill Bath Bath And North East Somerset
Proposal: Erection of a single storey rear extension together with associated internal and external alterations following demolition of an existing single storey rear extension.
Decision: REFUSE
Decision Date: 5 December 2023
Decision Level: Delegated
Appeal Lodged: 22 April 2024

App. Ref: 22/04109/FUL
Location: Elm Grove Farm Lower Road Hinton Blewett Bristol Bath And North East Somerset
Proposal: Conversion and extension of barn to create 1no. dwelling and replacement of all remaining buildings with 4no. dwellings together with associated hard/soft landscape works; drainage and access improvements.
Decision: REFUSE
Decision Date: 23 November 2023
Decision Level: Planning Committee
Appeal Lodged: 24 April 2024

App. Ref: 23/00691/FUL
Location: 4 Monmouth Road Keynsham Bristol Bath And North East Somerset BS31 2JP
Proposal: Erection of new attached dwelling.
Decision: REFUSE
Decision Date: 13 October 2023
Decision Level: Delegated
Appeal Lodged: 24 April 2024

APPEALS DECIDED

App. Ref: 22/01913/OUT
Location: Land At Rear Of Priors Nurseries And Glenfield Cottage Radstock Road Midsomer Norton Bath And North East Somerset
Proposal: Proposed new shared user bridge over River Somer, private vehicular access track and permissive footpath link between Radstock Road and Land West of Wheelers Road in Midsomer Norton, Somerset, with associated landscaping and engineering works (Resubmission of 20/04904/OUT).
Decision: REFUSE
Decision Date: 23 March 2023
Decision Level: Delegated
Appeal Lodged: 19 December 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 26 March 2024

App. Ref: 22/03557/FUL
Location: 26 Pulteney Mews Bathwick Bath Bath And North East Somerset BA2 4DS
Proposal: Alterations of smooth Bath stone coloured render to existing concrete blockwork to front and rear elevation of property to cover poor quality blockwork finish
Decision: REFUSE
Decision Date: 22 May 2023
Decision Level: Delegated
Appeal Lodged: 12 December 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 2 April 2024

App. Ref: 23/01478/FUL
Location: 18 Newbridge Road Newbridge Bath Bath And North East Somerset BA1 3JY
Proposal: Change of use of ground floor and basement from Use Class E(c) (Professional Services) to Use Class C3 (Residential Dwellinghouse). Alterations to fenestration and provision of roof lights.
Decision: REFUSE
Decision Date: 16 June 2023
Decision Level: Delegated
Appeal Lodged: 15 January 2024
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 18 April 2024

Case Ref: 21/00003/HHEDGE
Location: 23 Rockliffe Avenue Bathwick Bath Bath And North East Somerset
BA2 6QP
Breach: Hedge is restricting sunlight to the conservatory, the deck and the
patio in the afternoons.
Appeal Lodged: 11 October 2023
Appeal Decision: Appeal Allowed
Appeal Decided Date: 24 April 2024

FORTHCOMING HEARINGS AND INQUIRIES

Case Ref: 22/00058/ENFAPL
Location: Midford Castle Access Road To Midford Castle Midford Bath Bath And North

East Somerset BA2 7BU

Breach: i) Without planning permission, unauthorised engineering works to reprofile land to facilitate, without planning permission, the erection of a two-storey, semi-subterranean building. ii) Without planning permission, unauthorised engineering works to reprofile and level land to form a hardstanding area. iii) Without planning permission, the unauthorised formation of an access track to the hardstanding.

Appeal Lodged: 7 March 2024

Hearing to be held on 30th May 2024 at the Guildhall, Bath

Bath & North East Somerset Council		
MEETING:	Planning Committee	
MEETING DATE:	8 May 2024	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report covering period 1 Jan – 31 Mar 2024	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Analysis of Chair referral cases		

1 THE ISSUE

At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across Planning.

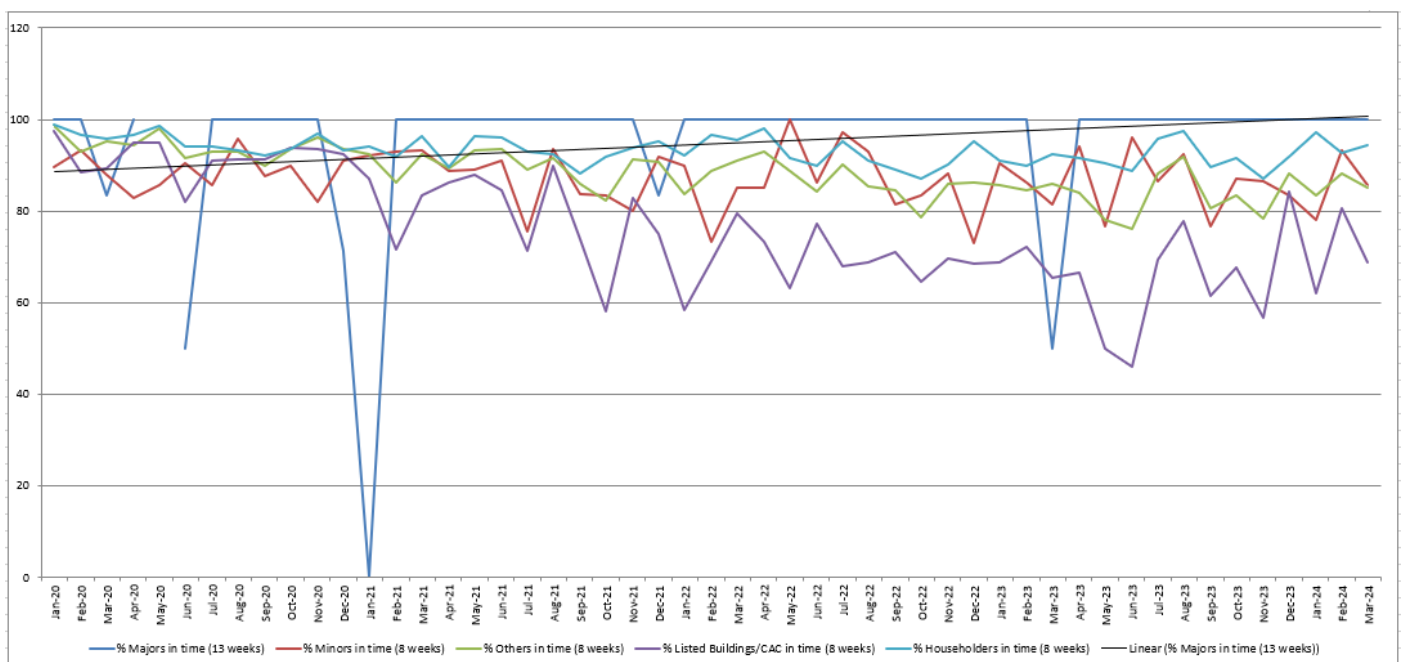
2 RECOMMENDATION

Members are asked to note the contents of the performance report.

3 THE REPORT

Tables, charts and commentary

1 - Comparison of Applications Determined Within Target Times



Majors target 60%, non-majors target 70%

% of planning applications in time	2022-2023				2023-2024			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	(4/4) 100%	(7/7) 100%	(7/7) 100%	(7/8) 88%	(8/8) 100%	(5/5) 100%	(12/12) 100%	(7/7) 100%
% Minors in time	(75/83) 90%	(93/103) 90%	(82/101) 81%	(78/91) 86%	(82/92) 89%	(75/88) 85%	(85/99) 86%	(71/83) 86%
% Others in time	(373/420) 89%	(332/383) 87%	(329/394) 84%	(318/372) 85%	(338/426) 79%	(311/359) 87%	(283/341) 83%	(269/314) 86%

Note:

Major - 10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over

Minor - 1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare

Other - changes of use, householder development, adverts, listed building consents, demolition in a conservation area

2 - Recent Planning Application Performance

Application nos.	2022-2023				2023-2024			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	610	618	564	605	541	526	538	536
Withdrawn	51	42	76	54	70	45	65	49
Delegated no. and %	482 (95%)	472 (96%)	494 (98%)	461 (98%)	518 (98%)	449 (99%)	433 (96%)	395 (98%)
Refused no. and %	34 (7%)	30 (6%)	40 (8%)	26 (6%)	38 (7%)	30 (7%)	27 (6%)	15 (4%)

3 – Dwelling Decisions and Numbers

Decisions on Major residential applications	2022-2023				2023-2024			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Decisions on Major residential applications (10 or more dwellings)	3	0	3	4	3	3	6	3
Major residential decisions granted	2	0	2	4	3	2	5	3
Number of dwellings applied for on Major schemes	300	776	65	0	428	70	237	283
Number of dwelling units permitted on schemes (net)	610	46	78	251	189	38	110	156

4 - Planning Appeals

	Apr – Jun 2023	Jul – Sep 2023	Oct – Dec 2023	Jan – Mar 2024
Appeals lodged	15	14	11	11
Appeals decided	15	12	8	19

Appeals allowed	6 (40%)	5 (42%)	2 (25%)	6 (32%)
Appeals dismissed	9 (60%)	7 (58%)	6 (75%)	13 (68%)

5 - Enforcement Investigations

	Apr – Jun 2023	Jul – Sep 2023	Oct – Dec 2023	Jan – Mar 2024
Investigations launched	131	123	118	107
Investigations in hand	510	423	430	458
Investigations closed	79	227	110	74
Enforcement Notices issued	6	2	2	1
Planning Contravention Notices served	3	5	4	4
Breach of Condition Notices served	0	1	1	1
Stop Notices	0	0	0	0
Temporary Stop Notices	0	1	0	0
Injunctions	0	0	0	0

6 – Other Work (applications handled but not included in national returns)

The service also processes other statutory applications (discharging conditions, prior approvals, prior notifications, non-material amendments etc) and discretionary services like pre-application advice. The table below shows the number of these applications received

	Apr – Jun 2023	Jul – Sep 2023	Oct – Dec 2023	Jan – Mar 2024
Other types of work	345	341	297	381

7 – Works to Trees

	Apr – Jun 2023	Jul – Sep 2023	Oct – Dec 2023	Jan – Mar 2024
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	15	19	26	20
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	87%	95%	100%	100%
Number of notifications for works to trees within a Conservation Area (CA)	159	243	252	165
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	97%	97%	96%	99%

8 – Corporate Customer Feedback

The latest quarterly report is published here:

9 - Ombudsman Complaints

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation they can take their complaint to the **Local Government Ombudsman** for an independent view.

Ombudsman Complaints	Apr – Jun 23	Jul – Sep 23	Oct – Dec 23	Jan – Mar 24
Complaints upheld	0	0	0	0
Complaints Not upheld	0	0	0	0

10 – Section 106 Agreements and Community Infrastructure Levy (CIL)

Members will be aware of the Planning Obligations SPD first published in 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress, but does enable the S106/CIL Monitoring Officer to actively monitor the delivery of agreed obligations. S106 and CIL financial overview sums below will be refreshed for every quarterly report. CIL annual reports, Infrastructure Funding Statements and Infrastructure Delivery Plan 2021 are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/annual-cil-spending-reports>

(Note: figures are for guidance only and could be subject to change due to further updates with regards to monitoring S106 funds)

S106 Funds received (2023/24)	£208,349.50
CIL sums overview – Potential Liability amount (April 2015 to date)	£11,678,675.04
CIL sums overview – Paid (April 2015 to date)	£30,095,275.23

11 – Chair Referrals

Table 11 below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Planning Committee. *A further **analysis of Chair referral cases** is in Appendix 1 below.*

	Apr – Jun 2023	Jul – Sep 2023	Oct – Dec 2023	Jan – Mar 2024
Chair referral delegated	16	2	12	5
Chair referral to Planning Committee	6	6	7	5

12 – 5 Year Housing Land Supply

5 year housing land supply

A	Total planned housing 2011-2029		13,000
B	Completions 2011-2023	2011-2023	9,213
C	Plan requirement	2011-2028	12,274
D	5 year supply requirement (100%)	2023-2028	3,061
E	5 year supply requirement (with 5% buffer)	2023-2029	3,214
G	Deliverable supply (#)	2023-2030	3,946
H	Deliverable supply buffer (%)	2023-2031	29%
I	Deliverable supply (#) over 100% requirement	2023-2032	885
J	Deliverable supply (#) over 105% requirement	2023-2033	732

A	Alternative Calculation Method			
B	5 year supply requirement (722x5)		3,610	
C	Surplus/deficit		549	
D	Deliverable supply		3,946	
E	5 year requirement + backlog/surplus		3,061	Supply as a % of requirement
F	5 year requirement + backlog/surplus +5% buffer		3,214	Supply in years
				123%
				6.14

The monitoring reports are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/five-year-housing-land-supply-and-housing-and-economic-land>

Appendix 1 – see attachment

Contact person	John Theobald, Project/Technical and Management Support Officer, Planning 01225 477519
Background papers	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics
Please contact the report author if you need to access this report in an alternative format	

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Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
23/04121/PIP	WoodlandsStaunton LaneWhitchurchBristolBath And North East SomersetBS14 0QL	Permission in Principle Planning Application for the development of up to 3 dwellings and associated works.	CHAIR	23-Jan-24	PERMIT	Chair referral delegated decision
23/00549/FUL	Land Adjacent To Meadow BarnWick LanePensfordBristolBath And North East Somerset	Creation of a vehicular access onto an agricultural field with the erection of gates and fencing.	CHAIR	19-Jan-24	PERMIT	Chair referral delegated decision
23/04121/PIP	WoodlandsStaunton LaneWhitchurchBristolBath And North East SomersetBS14 0QL	Permission in Principle Planning Application for the development of up to 3 dwellings and associated works.	CHAIR	23-Jan-24	PERMIT	Chair referral delegated decision
23/04056/FUL	27 Poolemead RoadWhitewayBathBath And North East SomersetBA2 1QW	Change of use from 5 bedroom dwelling (Use Class C3) to 5 bedroom House in Multiple Occupation (HMO) (Use Class C4).	CHAIR	07-Feb-24	PERMIT	Chair referral delegated decision
23/04286/FUL	Aviemore FosseyWayWestfieldBath And North East SomersetBA3 4AU	Proposed residential development of 6no. new dwellings with garages and associated parking spaces with adapted highway access, and alteration of the existing dwelling at Aviemore (Resubmission)	CHAIR	22-Feb-24	PERMIT	Chair referral delegated decision
23/00537/FUL	14 Woodland GroveClaverton DownBathBath And North East SomersetBA2 7AT	Erection of first floor extension over existing single-storey accommodation with ground floor entrance lobby	COMMDC	14-Mar-24	RF	Chair referral to committee. I note the number of concerns and policy points raised by local residents. There is significant local interest in this application. I note that changes have been made by the applicant to address concerns. It is in the local public interest that the relevant policy issues are discussed and debated in public. The planning committee will wish to consider the design, the materials, the street scene, the amenity of neighbours, and all other relevant material considerations and to consider what planning conditions should apply if the application is approved.
22/05081/FUL	53 Rockliffe RoadBathwickBathBath And North East SomersetBA2 6QW	Erection of a three-bedroom dwelling with associated landscaping and car parking (Resubmission).	COMMDC	14-Mar-24	RF	Chair referral to committee. I note the number of objections, the description by the ward councillor that this application is controversial, and the convoluted planning history. This application should be determined at committee in the public domain. The committee will wish among other considerations to compare the current application with the refused application in 2020.

23/04756/FUL	109 Hurn Lane Keynsham Bath And North East Somerset BS31 1SG	Erection of single storey rear and front extensions and garage conversion	COMMDC	15-Feb-24	PERMIT	Chair referral to committee. I note the objections of Keynsham Town Council and the concerns raised by the ward councillor. The objections relate to the proposed front extension. The current layout of the semi-detached properties is: protruding garage/front door, lounge window, lounge window, protruding garage/door. There is an already an enclosed feel in a relatively narrow frontage. Although the proposed front extension is modest, the committee might wish to consider any effects on the amenity of the neighbours by loss of light and also whether the proposed extension fits in with the street scene. I wish this application to be discussed and determined at committee.
23/02448/FUL	Oval Estates (bath) Ltd The Oval Office Cobblers Way Westfield Radstock Bath And North East Somerset BA3 3BX	Conversion of office building into 9 apartments.	COMMDC	15-Feb-24	PERMIT	Chair referral to committee. The "call to committee" has been requested by a B&NES councillor. Although the councillor is a member of Westfield Parish Council which rents offices in this building, a planning application being determined by the committee is a neutral act in that the same policies are applied and that no outcome is pre-determined. I note policy 12 of the Westfield Neighbourhood Plan. It is of public interest for all relevant policies and planning history to be discussed and debated at committee and a decision reached in the public domain.
23/02731/FUL	1 Drake Avenue Combe Down Bath Bath And North East Somerset BA2 5NX	Change of use from dwelling (Use Class C3c) to House in Multiple Occupation (Use Class C4).	COMMDC	18-Jan-24	PERMIT	Chair referral to committee. The Avon and Somerset Constabulary has indicated a significantly high number of crimes and anti-social behaviour in the vicinity of the dwelling. The committee will wish to know to what extent, if any, these are directly related to the premises in the application and examine the statements from Environmental Protection and Housing Services that there have been no direct complaints regarding this property. Concerns about an increase in crime and ASB have also been raised by some objectors to this application. Safety and security are essential to sustainable communities. Crime prevention can be a material planning consideration. The committee will also want to consider if the planning conditions proposed are sufficient and appropriate for this application. I consider that it is in the public interest that this application is determined in public at committee.

22/01124/FUL	Former Purnell Factory North View Development Site Oxleaze Way Paulton Bristol Bath And North East Somerset	Residential development of 72 no. dwellings (Use Class C3); vehicular, pedestrian and cycle access from Oxleaze Way, pedestrian access from Caxton Close; landscaping and other associated ancillary works	COMMDC	23-Feb-24	PERMIT	The application was previously reported to Bath & North East Somerset Council Planning Committee on 8th February 2023 following receipt of objection and Committee referral by Paulton ward Councillor Liz Hardman. An objection has also been received from Paulton Parish Council.
23/04679/TCA	Sydney House Sydney Road Bathwick Bath Bath And North East Somerset	T1- Acer, Remove the Ivy clad stem. reduce the end weight of the remaining leaning stem, 1m at most from the ends of 7 branches.	COMMDC	18-Jan-24	NOOBJ	The notification is associated with a Councillor.

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