

Bath & North East Somerset Council

MEETING:	Development Management Committee	AGENDA ITEM NUMBER	
MEETING DATE:	5th April 2017		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
TITLE:	APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

BACKGROUND PAPERS

List of background papers relating to this report of the Group Manager, Development Management 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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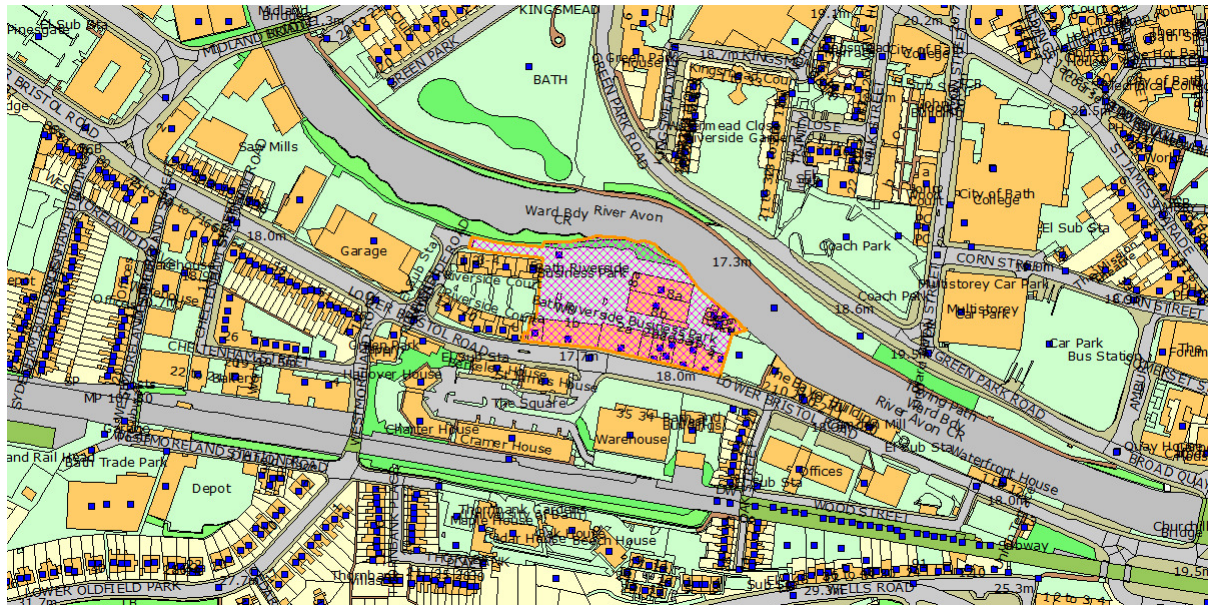
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/04818/EREG03 30 January 2017	<p>Bath And North East Somerset Council Bath Quays South Development Site, Riverside Business Park, Westmoreland, Bath, Mixed-use development of land bounded by Lower Bristol Road, Riverside Court, River Avon and Maritime House with vehicular access via Riverside Road and Lower Bristol Road comprising:</p> <p>(1) Detailed Application for the erection of an office building (Use Class B1 - 5,017sqm GIA), change of use of and alterations to Newark Works and adjacent buildings to provide Creative Employment Workspace (Use Class B1, A1, A3, D1, D2, - 4,539sqm GIA, non- B1 uses not more than 10% of the total floor area).</p> <p>(2) Outline Application (Access, Layout and Scale to be approved) for the erection of building(s) to accommodate up to 5,027sqm of residential accommodation (up to 60 no of units, Use Class C3), and up to 193sqm GIA of retail space (Use Class A1, A2 or A3).</p> <p>Associated development comprising demolition of existing buildings, provision of new public realm, landscaping and infrastructure works.</p>	Widcombe	Gwilym Jones	PERMIT
02	16/04819/REG13 30 January 2017	<p>Bath And North East Somerset Council Bath Quays South Development Site, Riverside Business Park, Westmoreland, Bath, Internal and external alterations to Newark Works (including West Machine Shop and Smithy) and demolition of Foundry and Boiler House.</p>	Widcombe	Gwilym Jones	CONSENT

03	16/05772/FUL 20 January 2017	Juniper Homes (South West) Limited 40 Bloomfield Park, Bloomfield, Bath, Bath And North East Somerset, BA2 2BX Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission)	Lyncombe	Chris Griggs- Trevarthen	PERMIT
04	16/04249/FUL 21 April 2017	The Johnson Group Agricultural Haulage Building And Yard, Pinkers Farm, Middle Street, East Harptree, Bristol Demolition of Agricultural buildings and erection of 8no dwellings	Mendip	Chris Griggs- Trevarthen	Delegate to PERMIT
05	17/00067/FUL 3 March 2017	Mr Nick Sandy Courtney House , 14 Van Diemen's Lane, Lansdown, Bath, BA1 5TW Erection of detached dwelling with associated underground parking, drainage and hard and soft landscaping following demolition of existing dwelling	Lansdown	Emma Hardy	REFUSE
06	16/05632/FUL 20 January 2017	Cleveland Pools Trust Cleveland Bath Cleveland Row, Hampton Row, Bathwick, Bath, Bath And North East Somerset Restoration of historic open-air public swimming pool and associated facilities	Walcot	Adrian Neilson	PERMIT
07	16/05633/LBA 18 January 2017	Cleveland Pools Trust Cleveland Bath Cleveland Row, Hampton Row, Bathwick, Bath, Bath And North East Somerset Internal and external alterations for restoration of historic open-air public swimming pool and associated facilities	Walcot	Adrian Neilson	CONSENT
08	16/06062/FUL 14 February 2017	HamburyHird Design Ltd Closed Public Toilets, Claverton Street, Widcombe, Bath, Bath And North East Somerset Erection of 2 storey office building following demolition of existing former WC Block.	Widcombe	Tessa Hampden	PERMIT
09	16/01365/FUL 7 April 2017	BHR Properties Limited Hillside Garage , 243 Englishcombe Lane, Southdown, Bath, Bath And North East Somerset Erection of 3No. new dwellings following demolition of 11No. lock-up garages.	Southdown	Alice Barnes	PERMIT
10	16/06234/FUL 16 March 2017	Mr & Mrs Winstone Eastwick Farm , Wick Lane, Stanton Wick, Bristol, BS39 4BX Replacement Barn Dwelling (Retrospective)	Clutton	Alice Barnes	REFUSE

11	16/05505/FUL 5 April 2017	Walters Developments 10 Entry Hill, Combe Down, Bath, Bath And North East Somerset, BA2 5LZ Erection of 1no.dwelling (Revised proposal)	Lyncombe	Samantha Mason	PERMIT
12	16/06196/FUL 7 April 2017	Ms Jan Symons 100 North Road, Combe Down, Bath, Bath And North East Somerset, BA2 5DJ Erection of a single storey side extension to provide disabled facilities and access into the extension.	Combe Down	Chloe Buckingham	REFUSE
13	16/06197/LBA 7 April 2017	Ms Jan Symons 100 North Road, Combe Down, Bath, Bath And North East Somerset, BA2 5DJ Erection of a single storey side extension to provide disabled facilities and access into the extension.	Combe Down	Chloe Buckingham	REFUSE
14	17/00417/FUL 27 March 2017	Mr Christopher Watt Land And Buildings To Rear Of 1-7 High Street, Mill Hill, Wellow, Bath, Bath And North East Somerset Conversion of former farm buildings to form 1 no. dwelling with associated works. (Resubmission with revisions of 14/01866/FUL).	Bathavon South	Anna Jotcham	PERMIT
15	17/00413/LBA 27 March 2017	Mr Christopher Watt Land And Buildings To Rear Of 1-7 High Street, Mill Hill, Wellow, Bath, Bath And North East Somerset Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission with revisions of 14/01867/LBA).	Bathavon South	Anna Jotcham	CONSENT

REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 16/04818/ERE03
Site Location: Bath Quays South Development Site Riverside Business Park
 Westmoreland Bath



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker
Application Type: Reg03 app with EIA attached
Proposal: Mixed-use development of land bounded by Lower Bristol Road, Riverside Court, River Avon and Maritime House with vehicular access via Riverside Road and Lower Bristol Road comprising:

- (1) Detailed Application for the erection of an office building (Use Class B1 - 5,017sqm GIA), change of use of and alterations to Newark Works and adjacent buildings to provide Creative Employment Workspace (Use Class B1, A1, A3, D1, D2, - 4,539sqm GIA, non-B1 uses not more than 10% of the total floor area).
- (2) Outline Application (Access, Layout and Scale to be approved) for the erection of building(s) to accommodate up to 5,027sqm of residential accommodation (up to 60 no of units, Use Class C3), and up to 193sqm GIA of retail space (Use Class A1, A2 or A3).

Associated development comprising demolition of existing buildings, provision of new public realm, landscaping and infrastructure works.

Constraints: Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Article 4, Article 4, Bath Core Office Area, Bath

Enterprise Area, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Contaminated Land, Flood Zone 2, Flood Zone 3, Forest of Avon, Sites with Planning Permission, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, Site Of Special Scientific Interest (SI), SSSI - Impact Risk Zones, World Heritage Site,

Applicant: Bath And North East Somerset Council
Expiry Date: 30th January 2017
Case Officer: Gwilym Jones

REPORT

This application is for development of the former Stothert and Pitt site on Lower Bristol Road, Bath. The application site is bounded to north by the River Avon, to the east by Maritime House/Bayer Building, to the south by Lower Bristol Road and to the west by Riverside Business Park. The site comprises Newark Works, a Grade II listed building comprising the East Machine Shop, Offices and Smithy with attached curtilage listed building (the West Machine Shop) that form part of the range of buildings on Lower Bristol Road) as well as freestanding curtilage listed buildings to the north (the Foundry, Pump House and arches). In addition there are open areas of the site including the Foundry Yard, which historically included some buildings (now demolished), and there remain traces of the former industrial use of the site including railway tracks, turntables and cobbles. The buildings on the site are in a poor state of repair and have been vacant for around 10 years.

The application site is approximately 0.95 hectares in size and generally level. All pedestrian and vehicular access to the site is currently from the west via Riverside Road. Bath Spa railway station and bus station are approximately 750m to the east, accessed along Lower Bristol Road and Churchill Bridge.

The site is located within the City of Bath World Heritage Site. The site lies outside the Bath Conservation Area however the boundary of the conservation area immediately adjoins the site to the north, running along the southern bank of the Avon to Churchill Bridge, and then runs along the railway line to the south. The river corridor is designated a Site of Nature Conservation Importance (SNCI).

The site is within Flood Zone 3a and lies within the area the subject of the Bath Quays Waterside Flood Defence Project where planning permission has been granted for flood mitigation and defence works that form part of a wider comprehensive flood/public realm scheme in the city centre. Part of the approved works relate to the application site.

On the north side of the Avon is Green Park open space and the Bath Quays North site. To the east of the site are listed/curtilage listed former factory and mill buildings (Maritime House, Bayer Building and Camden Mill) and on the south side of Lower Bristol Road are a mix of modern office and storage use buildings. Beyond these at a higher level is the Bath-Bristol railway line. Oak Street on the south side of Lower Bristol Road is a terrace of Grade II listed residential buildings. Immediately to the west is Riverside Court (three storey modern office buildings) and beyond are a series of modern buildings used as car showrooms and builders merchants.

APPLICATIONS

The planning application is a hybrid (part outline, part detailed) for the mixed-use development of land bounded by Lower Bristol Road, Riverside Court, River Avon and Maritime House with vehicular access via Riverside Road and Lower Bristol Road comprising:

1. Detailed Application for the erection of an office building (Use Class B1 - 5,017sqm GIA), change of use of and alterations to Newark Works and adjacent buildings to provide Creative Employment Workspace (Use Class B1, A1, A3, D1, D2, - 4,539sqm GIA, non-B1 uses not more than 10% of the total floor area).
2. Outline Application (Access, Layout and Scale to be approved) for the erection of building(s) to accommodate up to 5,027sqm of residential accommodation (up to 60 units, Use Class C3), and up to 193sqm GIA of retail space (Use Class A1, A2 or A3).
3. Associated development comprising demolition of existing buildings, provision of new public realm, landscaping and infrastructure works.

There is a related application for listed building consent (16/04819/REG13) for internal and external alterations to Newark Works (including West Machine Shop and Smithy) and demolition of Foundry and Boiler House.

The majority of the application site is owned by Bath and North East Somerset Council and the applications have been submitted by the Council's Project Delivery team.

Vehicular access to the site will be from Riverside Road with emergency access, servicing and refuse collection available through the site connecting to Lower Bristol Road adjacent to Maritime House. Part of an existing car park serving Maritime House has been included within the application boundary to allow vehicular and pedestrian access to the site at its eastern end. The remainder of the car park is being retained for use with Maritime House.

An application (16/05348/REG03) for a new pedestrian and cycle bridge located at the eastern end of the Bath Quays South site (connecting to the north side of the Avon in the vicinity of the existing coach park) has recently been granted planning permission and listed building consent. When constructed the bridge will provide an alternative means of access between the Bath Quays South site and the city centre.

To the south is a site currently occupied by Pickfords which is the subject of a planning application for redevelopment for student accommodation (16/05504/OUT). At the time of writing, that application has yet to be determined.

APPLICATION DOCUMENTS

The application is supported by a Design and Access Statement, Statement of Community Involvement, Environmental Statement, Environmental Statement Addendum and Further Environmental Addendum (covering Air Quality, Archaeology, Built Heritage, Ecology and Nature Conservation, Flood Risk, Drainage and Hydrology, Noise and Vibration, Socio-Economics, Soils and Ground Conditions, Landscape and Visual Impact, Transport and Access), Utilities Statement, Economic Benefits Statement, Tree Constraints Survey, Visually Verified Montages. A confidential financial appraisal for the proposed development has also been submitted.

PLANNING HISTORY

The site has a long history of development and redevelopment when occupied by Stothert & Pitt as part of their extensive factory operations in the city up until it closed in 1989. Since then the site has been largely vacant or underused with some small-scale business uses occupying the site during the 1990s and early-mid 2000s. The site has been vacant since 2007.

06/02857/EOUT - application by the South West of England Regional Development Agency for the construction of two buildings between 3-6 storeys in height for educational purposes including a pedestrian and cycle bridge across the River Avon, a new access road from Lower Bristol Road, flood defence wall works, associated landscaping and public space. The application proposed the demolition of existing buildings on the site. The application was withdrawn in January 2007.

07/01034/EFUL - application for the Dyson School of Design Innovation comprising a new 4/5 storey building including partial demolition and alterations of the Newark Works buildings and a new pedestrian bridge. The application was recommended for refusal by Officers however Members resolved to grant planning permission. The Environment Agency objected to the application and it was "called-in" for determination by the Secretary of State. The application was withdrawn prior to a Public Inquiry taking place.

14/04195/EREG03 - planning permission granted for proposals including flood mitigation and defence works, forming part of a wider comprehensive flood/public realm scheme (the Bath Quays Waterside - Flood Defence Project). Part of the approved works relate to the Bath Quays South application site.

16/05348/REG03 and 16/05349/REG13 - planning permission and listed building consent granted for provision of new bridge crossing of the river Avon for pedestrian and cycle use, including demolition of existing building (Boiler House) and two associated arches, new public realm on the north and south river banks, landscaping, a new river wall and links to the existing highway network

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Representations on the revised proposals.

Environment Agency - No objection subject to conditions regarding flood defence works and site remediation.

Wales And West Utilities - Note location of infrastructure.

Wessex Water - No objection subject to condition regarding foul and surface water drainage.

Natural England - The Lighting Assessment (March 2017) has been remodelled with 40% transmittance glazing on the full-height glazing section of the office building. This has reduced the predicted light spill to levels which are now acceptable.

Avon Fire & Rescue Service - Recommend location for fire hydrants.

Avon & Somerset Police Crime Prevention Design Advisor - Advise on detailed matters to design out the potential for crime, anti-social behaviour and reduce the fear of crime.

Historic England - The reduction in height of the office element is welcomed, and this part of the proposals now accords more closely with the building heights referenced in the draft Placemaking Plan. This has reduced the impact of the office in views along the river (particularly from Kingsmead/Midland Bridge, from Wells Road and back from Green Park towards Beechen Cliff) reducing its harmful impact on one's perception of the green bowl. Whilst we recognise the intention of reducing the height of the building by reducing the roof pitches this has resulted in a less interesting roofscape when viewed from surrounding high points. Changing the material of the building facing the river to Bath stone has reduced its visual prominence, introducing a greater degree of harmony with the surrounding City. The contrast of the stonework with the rear brick section does help to break down the apparent mass of the building, and the use of a darker brick reduces its visual impact in views from Wells Road in particular. The scale of the proposals is still of some concern, e.g. in the closer views such as that from Green Park particularly where the impact of the gaps between the blocks is lessened due to the oblique nature of the views. Whilst the level of potential harm caused by the proposed office element has been greatly reduced, we remain concerned regarding the scale of the proposed residential elements, as well as the outline nature of this part of the application. These buildings are particularly prominent in views along the river from the east (e.g. Churchill Bridge and from Wells Road). Whilst we recognise the difficulties in accommodating a building with a large office floor area within the finer grain of an historic city the amendments have gone a fair way to addressing our previous concerns relating to this element, and its impact on the City Conservation Area and World Heritage Site. The reduction in height and the use of alternative materials (Bath stone and dark brick) has lessened the visual impact of the proposals, which now have a greater degree of harmony with the surrounding townscape, and hence a reduced degree of harm to the historic environment. Whilst a further reduction in the volume of that building would reduce the impact further, we no longer object to that element of the proposals. We do, however, remain concerned regarding the scale of the residential elements proposed in outline.

Victorian Society - Note the importance of site in Bath's industrial heritage and regret the demolition of the Foundry and Boiler House given their contribution to the understanding of the site. Accept the loss if this demonstrably required to facilitate the redevelopment of the Newark Works however the new blocks and landscaping are harmful to the setting of listed buildings and to Bath Conservation Area. The roof form is inappropriate and higher standards of design are needed given WHS, conservation area and history of the site. The loss of the wharf and replacement with soft landscaping is inappropriate.

Council For British Archaeology - Recommend incorporation of existing historic features into the development.

Canal And River Trust - no comment.

B&NES Conservation - Not support/Object. Revisions to the office reduce its height with a higher expanse of important hillside now remaining visible and natural stone introduces a greater degree of harmony with the surrounding built context. These improve the impact of the development on the settings of the World Heritage Site, the conservation area and the listed Newark Works. However impact of the overall design of the development continues

to harm the settings of the heritage assets. This is a 'stand-alone' building which would be viewed on all sides, and as such its bulky form of design would be prominent, visually excessive and out of context. There is no precedent use of such a large quantity of dark brick in the city which would further detract from the ability of the building to harmonise with the surrounding environment. Residential buildings would harm the heritage asset settings due to the excessive height, unsympathetic form and architectural treatment proposed and cause a considerable degree of harm to the settings of the relevant heritage assets.

B&NES Urban Design - Object. Reduction in office building height assists in retaining some of the previously interrupted tree line views. The residential buildings are still very overbearing in views due to height, massing, materials and roof and concern that the illustrative scheme will be come forward at reserved matters stage. The buildings proposed are incongruous in views and because they miss key design cues from the context in their design, they appear generic. The public realm and ground level of this building should be designed in detail comprehensively so there is a well-designed active relationship between the interior and exterior spaces, particularly at the bridge landing point. All roofs are highly visible across the city so should have depth and be articulated three dimensionally. A greater variation in roof form depth is required as it is still hosts large expanses of relatively flat roof compared to the rest of the city, and this is incongruous. Massing in relation to Newark Works is too great and there is no positive dialogue between the existing and proposed architectural elements of those buildings. Inactive frontages onto public spaces and pedestrian routes. Lighting solution will impact on the appearance of the buildings.

B&NESs Landscape - Not acceptable. The reduction in height is welcomed however the design issues need to be considered holistically to address the effects on views and on the World Heritage Site. The eastern building would be too tall and those parts of the office building which rise to the south and north sides would also be too tall. The large solid mass of the proposed office block is completely out of character at such a prominent location seen from close and more distant views. This is exacerbated by the flat roof appearance seen both from higher and closer views. Support the principle of breaking the office building into two (to reduce the apparent bulk) and use of a darker colour can help to reduce the prominence of this part of the building but I have serious concerns. Sloping roofs could be more effectively used to break up the apparent bulk of the building (which would acknowledge the design values and character of Bath and its World Heritage Site status) and a different building material or a different texture or design approach to the southern section would also help however use of 'dark bricks' on this scale and in this location would appear out of character.

B&NES Highways - No objection subject to conditions. The site lies in the Outer Zone by virtue of its location should comply with the parking standards for this Zone. However it at least as sustainable a location as many parts of the City Centre Zone and the evidence to support broad compliance with the PMP parking standards applicable to the City Centre at Bath Quays South is considered to be robust. Using this standard the proposed provision (67 spaces) is slightly above that applicable in the City Centre zone (54 spaces). To ensure residents parking does not increase on-street parking in the area a condition should be applied requiring parking spaces should be reserved for residents at a rate of 0.5 spaces per dwelling. Travel Plans for both the residential and employment uses of the site should be submitted to the authority, approved and in place prior to first occupation.

Adoption of the route through the site should be discussed further and full engineering details of the works in all the areas to be adopted will be expected to be submitted and approved in the context of the formal adoption process. Principle of off-site highway works agreed and should be secured by condition and completed prior to first occupation or the opening of the Bath Quays Bridge to the public.

B&NES Ecology - object to original proposals due to excessive light spill onto river. Representations on revised mitigation measures awaited.

B&NES Archaeology - No objection subject to agreement of Written Scheme of Investigation.

B&NES Planning Policy - Not acceptable. In principle, the proposed development would provide a positive and vibrant mixed use scheme to an important but vacant riverside site, enabling the construction of new riverside buildings, the repair and refurbishment of Newark Works and securing the retention of an important business within the city. The proposed mix of uses of much needed employment and residential space, is broadly in accordance with the Placemaking Plan Policy SB5 however fundamental concerns relating to the roof treatment of the buildings including use for siting PV panels. The proposals still do not provide 'a strong visual and cultural identity', and do not provide 'imaginative, contemporary architecture [that] should contrast with the sensitive conservation of historic buildings and the public realm, as well as responding appropriately with the wider context of the World Heritage Site' in line with the vision for the site in Policy SB5 of the Placemaking Plan.

B&NES Housing - Note lack of affordable housing which will need to be justified by viability appraisal.

B&NES Economic Development - Support. The delivery of Bath Quays, given its central location and the potential to deliver significant new office floorspace, is fundamental to achieving the strategic aims of the Council's economic and planning policies. BMT Defence Services are an important employer in a priority economic sector for the city. Promoting employment growth in these high value knowledge based sectors is a key objective for the Council's Economic Strategy. The refurbishment of Newark Works by TCN will provide much needed flexible workspace for the creative & digital sectors, two of the priority growth sectors in the city. The office will deliver Grade A space and support the delivery of investment in additional space. The development will create/safeguard around 1,000 jobs and generate new investment in the local economy. Identify need for a contribution to Targeted Recruitment and Training.

B&NES Contaminated Land - No objection subject to conditions regarding site assessment and remediation.

B&NES Parks And Recreation - It is acknowledged that it is impractical to provide adequate local integral green space on-site at South Quays to meet the demand generated however as a consequence the proposal is entirely reliant on off-site green space provision to serve the increased demand generated by new residents. There are deficits of greenspace facilities in the Widcombe ward and limited existing provision accessible within 600m from the development. With this in mind and acknowledging the future construction of a bridge improving access to the north, Green Park has the potential

to serve the demand for green space generated from this development. Contribution to green space calculated at £255,809.

B&NES Flood and Drainage - No objection subject to conditions regarding surface water drainage details.

B&NES Environmental Health - No objection subject conditions on Construction Management, Operational plant noise, odours from operational uses and mitigation of impacts from road/rail on residential amenity.

Other Representations

Bath Preservation Trust - Object to outline element of the application/Comment on the office building. Given the loss of the Foundry Building, there should be a determined effort to ensure that what goes in its place, across the site, echoes and respects the heritage, contextual spirit and quality of the place and its setting, so that the positive benefits of the new buildings clearly outweigh the heritage harm. The height of new buildings should respect the 'shoulder height' of the Bayer Building, and new buildings should not exceed the height of the Bayer Building. The orientation, height and massing of new buildings should respect views of the wider city and its green setting which are of extremely high importance in the inscription of the city as a World Heritage Site. New buildings should be well-connected to Newark Works and articulated to allow for the appreciation and experience of the listed building and its setting. While the office building will still have a substantial impact from some viewpoints on views of the city and its green hillsides the changes to the appearance and height proposed help to reduce such a high degree of visual harm. The approach to visually breaking the building up into two parts, through the use of Bath stone and darker brick is recognised as helping to visually reduce the perception of bulk however the overall bulk remains out of character in this immediate context. The use of textured Bath stone is supported and would encourage its use in creative ways and consider that riven or textured stone will help provide visual interest over a building of this size. Recognise the darker brick is more recessive in views however concerned that there is no precedent for Brick of this colour in Bath. Would prefer to see a material that reflected the industrial nature of the locations, such as metal cladding. Light pollution must be appropriately managed, and measures for mitigation of light spill designed-in for the future users of the building. Object to outline application for the residential within the curtilage of a listed building and adjacent to the Conservation Area, the submission of a full detailed application is considered necessary for the proper assessment of the impact on these designated heritage assets. Welcome the reduction in height of the middle residential block which relates much better to the height and scale of Newark Works and some variation in height will give a better rhythm to the building line. Concerned about the viability summary, both in terms of lack of openness, robustness and accuracy of the assumptions made. Given that the full viability study cannot be given any independent scrutiny it cannot, and should not, be given any weight. Very disappointed that the outline application for residential use is to have no affordable housing provision, apparently because of viability issues.

Bath Heritage Watchdog - Strongly object on a number of grounds: the cumulative impact of the development when combined with other proposals will create a physical barrier across the World Heritage Site and have a severe impact on its Outstanding Universal Values and cause significant harm to the setting and views in/out and across the World Heritage Site; the development will have an adverse impact on the character of the nearby

Conservation Area and the scale and mass of the development will severely impact on the setting and character of the listed building and lessen its significance; the proposed alterations to Newark Works are unsympathetic; the monolithic office block of poor design and inappropriate materials does not conform to the scale, mass and character of the World Heritage Site and the proposed housing blocks do not reflect local character in a weak design and materials in outline form only; the demolition of structures that form part of the significance and legibility of the site; alterations to the character of the riverbank by the loss of historic wharf walls and the creation of a soft landscape; overstated benefits of the public realm; conflict of interest with Council as both owner and applicant and decision maker. Maintain objection to revised proposals that fail to address concerns raised by them and other consultees.

Save Britain's Heritage - object in the strongest terms to the demolition of the Foundry and Boiler House and build three large buildings in the area behind the listed Newark Works. the proposals (as revised) would be significantly out of scale both in terms of height and mass with the surrounding listed buildings, fail sympathetically to reflect or complement the local industrial vernacular, destroy the character of the site when viewed from the river and pose a threat to many views from within and outside the Bath World Heritage Site. They may also have the potential to harm the adjoining conservation area. They question whether enough has been done to find other viable uses of the heritage asset.

Bristol Industrial Archaeology Society - Welcome the retention and re-use of the main Newark Works buildings but concerned at loss of Foundry which is unique in Bath and adds to the variety and texture of the built heritage in the city. Concern also at the general scale, massing and appearance of the proposed new blocks. There is little consideration has been given to the re-use of the Foundry building and they would have no concerns to alterations to make it useable if the essential character was retained. Concern that removal of the Foundry will reduce the significance of the historic Stothert and Pitt buildings which will be overwhelmed with inappropriately sized new structures built so close to the original buildings as to render them almost insignificant. The riverside setting and appreciation of the collection of other contemporary industrial buildings to the east will be compromised by the scale and massing of the proposed buildings along the river frontage. The cumulative impact of the development amounts to substantial harm to the setting of the Conservation Area and the setting of the group of former industrial buildings to the east.

Transition Bath - Support overall CO2 reduction target but raise a number of questions about or object to the details of the energy strategy and commitments made in it as well as objecting to specific elements such as limited electric car charging points.

21 letters of objection have been received from local residents and other interested parties. The responses raise a number of objections on the following grounds that:

- Inappropriate scale, massing and design of buildings
- Impact on WHS, setting of listed buildings and setting of conservation area
- Scale of development is taller and wider than the Newark Works and other principal industrial buildings on adjacent sites, rather than reflecting the scale and proportions of the smaller-scale ancillary buildings within the immediate curtilage
- Inadequate parking and impact of traffic on the local road network
- Insufficient public benefits to outweigh the harm
- Loss of curtilage listed buildings of significance

- Height of buildings exceeds Building Heights Strategy and excessive
- Smaller structures on the site, together with their disposition within the yard make a valuable contribution to our understanding of this industrial site and the fact that much of Bath's industrial heritage has already been lost also increases the value of the surviving heritage in this part of the city
- Over development and scale/mass of office building
- Cumulative impact with other developments in the city
- Hybrid application and outline proposals for the residential buildings
- Obscuring of important views through the site towards Beechen Cliff
- Loss of wharf and inappropriate soft landscaping
- Precedent set by building heights
- No references to the site's relationship with the river
- Unsympathetic alterations to Newark Works buildings
- Lack of on-site community space
- Lack of affordable housing
- Lack of transparency in the viability appraisal and questions about the appraisal costs
- Conflict of interest with the Council acting as owner and applicant and decision maker

More generally objections are raised to the insufficient information to justify the need for this amount of new development and extent of harm arising from the development and the amendments do not respond meaningfully to the points raised. Overall the level of harm to the settings of the designated heritage assets within the site, and also to the setting of the conservation area and this part of the World Heritage Site is considered by objectors to amount to substantial harm.

37 letters of support have been received including from Bath Chamber of Commerce, Business West and Invest Bristol & Bath on the following grounds:

- Providing new business space in the city including for creative uses
- Bringing redundant site back into use
- A sensitive and appropriate response to the setting
- A significant investment in the city and impact on the local economy
- An accessible/sustainable location for new business space
- Improving the environment and safety along Lower Bristol Road
- General support

The Widcombe Association support bringing the redundant building back into use.

POLICIES/LEGISLATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that for the purposes of making decisions under the Town and Country Planning Acts, the decision must be made in accordance with the Development Plan for the area, unless other material considerations indicate otherwise.

Development Plan for Bath and North East Somerset comprises:

- Bath and North East Somerset Core Strategy (July 2014);
- Saved policies from the Bath and North East Somerset Local Plan (2007);
- West of England Joint Waste Core Strategy (2011).
- Relevant Neighbourhood Plans

CORE STRATEGY

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 following policies of the Core Strategy are relevant to the determination of this application:

- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B2 Central Area Strategic Policy
- B4 The World Heritage Site and its setting
- SD1 Presumption in favour of sustainable development
- CP2 Sustainable construction
- CP3 Renewable energy
- CP4 District heating
- CP5 Flood Risk Management
- CP6 Environmental quality
- CP9 Affordable Housing
- CP10 Housing Mix
- CR4 Dispersed Local Shops

LOCAL PLAN

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy.

Policies of particular relevance to the current application are:

- D.2 General Design and public realm considerations
- D.4 Townscape considerations
- ET.2 Bath City Centre Core Office Employment Area
- ES.2 Energy conservation and protection of environmental resources
- ES.5 Foul and surface water drainage
- ES.9 Pollution and nuisance
- ES.10 Air Quality
- ES.12 Noise and vibration
- ES.15 Contaminated Land
- HG.7 Minimum residential density
- WM.4 Waste recovery and recycling in new development
- NE.1 Landscape character
- NE.4 Trees
- NE.8 Nationally important species and habitats
- NE.9 Locally important species and habitats
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- NE.15 Character, amenity and wildlife value of water courses
- BH.2 Listed buildings and their settings
- BH.3 Demolition of a listed building
- BH.4 Change of use of a listed building
- BH.6 Development within or affecting Conservation Areas
- BH.12 Important archaeological remains
- BH.13 Significant archaeological remains in Bath
- BH.22 External lighting

- T.1 Overarching access policy
- T.3 Promoting of walking and use of public transport
- T.5 Cycling Strategy: improved facilities
- T.6 Cycling Strategy: cycle parking
- T.7 Cycling Strategy: strategic cycling network
- T.16 Development of transport infrastructure
- T.24 General development control and access policy
- T.25 Transport assessments and travel plans
- T.26 On-site parking and servicing provision

PLACEMAKING PLAN

The Placemaking Plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

Policies within the Draft Placemaking Plan (December 2015) with substantial weight in the determination of planning applications:

- SU1 Sustainable Drainage
- D1 Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and spaces
- D5 Building Design
- D6 Amenity
- D8 Lighting
- D10 Public Realm
- NE1 Development and Green Infrastructure
- NE2 Conserving and enhancing the landscape and landscape character
- NE4 Ecosystem services
- NE5 Ecological networks
- NE6 Trees and woodland conservation
- PCS1 Pollution and nuisance
- PCS3 Air Quality
- PCC5 Contamination
- ST1 Promoting sustainable travel
- ST3 Transport infrastructure
- SB5 South Quays & Riverside Court
- SCR1 On-site renewables
- CP7 Green Infrastructure

Placemaking Plan Policies with significant weight:

- HE1 Historic Environment
- NE3 Sites, species and habitats
- PCS2 Noise and vibration
- ST7 Transport requirements for managing development
- NE2A Landscape setting of settlements

Bath City Riverside Enterprise Area Masterplan Vision Report (2014) is not a development plan document but has been endorsed by the Council.

National guidance in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance are also material considerations.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.' There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act when considering development within a conservation area to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

OFFICER ASSESSMENT

ENVIRONMENTAL IMPACT ASSESSMENT

An Environmental Statement ("ES") that considers the effects of the development on the environment has been submitted with the application and covers a wide range of topics including Air Quality; Archaeology; Built Heritage; Ecology and Nature Conservation; Flood Risk, Drainage and Hydrology; Noise and Vibration; Socio-Economic Effects; Soils and Ground Conditions; Landscape and Visual Impact; and Transport and Access. This means that the application is an Environmental Impact Assessment ("EIA") application to which the Town and Country (Environmental Impact Assessment) Regulations 2011 ("EIA Regulations") apply.

The ES sets out the findings of the assessment of environmental effects, their scale and, where appropriate, measures to mitigate those impacts. The EIA Regulations state that the Council cannot grant planning permission in respect of an EIA application unless it has first taken the environmental information into consideration, and must state in its decision that it has done so. The environmental information means the ES, any further or other information received, any representations made by any consultation bodies and any representations made by any other person about the environmental effects of the proposed development. In this case further information has been received and has been re-advertised in accordance with the EIA Regulations and the National Planning Casework Unit has been duly notified.

The assessment of environmental effects and proposed mitigation form an integral part of Officers' consideration of the proposed development and in the Local Planning Authority's determination of the application. To avoid repetition, the findings of the ES are reported below as part of the assessment of the planning issues together with responses to consultations and other representations received.

FORMAT OF THE APPLICATION

The planning application for development of the Bath Quays South site has been submitted part in detail, part in outline, commonly referred to as a 'hybrid' application. That part of the development applied for in detail comprises the new office building, those works of alteration requiring planning permission in respect of the Newark Works building, the infrastructure works and the majority of the landscaping. That part applied for in outline comprises the new residential buildings and landscaping at the eastern end of the site where it overlaps with works associated with the new bridge. In respect of the outline

part of the application Access, Layout and Scale are submitted for approval in detail with Appearance and Landscaping being reserved matters.

That part of the development applied for in outline is defined by a series of parameter plans that specify the maximum dimensions (height and footprint) of the buildings within which detailed proposals can come forward. The parameters also identify minimum and maximum dimensions for a gap between the two residential buildings to create a courtyard within the block as well as a zone for balconies. Reserved matters cannot exceed the maximum height and block parameters however they could be less than these depending on the detailed design. The application has been assessed on the basis of the maximum specified dimensions for the buildings. The application documents include images of the residential buildings applied for in outline however they are only illustrative. Accordingly limited weight should be given to the detailed design of the residential buildings in the determination of the current application other than to provide an indication of one response to the parameters and the overall height and extent of built form that might come forward on this part of the site.

The use of hybrid applications is a well-established procedure on larger sites where certain elements of the development have yet to be resolved in detail. The procedure allows for certain parts of a development to be approved in detail whilst allowing some flexibility on others. Historic England and other consultees have raised concerns regarding the outline nature of the proposed residential buildings and Bath Preservation Trust (BPT) and others have questioned the appropriateness of a hybrid planning application given the sensitivity of the location. BPT have cited an application at the Recreation Ground where a two-part application was amended and split into two separate applications. That case however involved demolition and erection of new (temporary) buildings followed by the reinstatement of the original building on expiry of the temporary permission.

The current application is part detailed/part outline and is not directly comparable to the application for the Recreation Ground. Nonetheless, further consideration has been given to the scope of the application and supporting documents. To address concerns regarding the lack of information on the appearance of the residential buildings, and to ensure that the detailed design of them responds appropriately and sympathetically to the site and its setting, the Applicant has prepared a Residential Design Guide. This sets out design requirements and guidance to direct and inform the detailed design of the residential buildings and covers matters such as layout, elevational treatment, roofscape and materials. Reserved matters will be required to demonstrate how the detailed design of the buildings conforms with the guidance. This approach has been used on other sites including in the World Heritage Site and sensitive sites adjacent to important heritage assets. The document for Bath Quays South is considered to provide appropriate guidance on the key topics and would be secured by condition. The design requirements are considered acceptable however the detailed wording would benefit from some further refinement and therefore a condition is proposed that requires the submission and approval of a final version prior to submission of reserved matters.

It is considered that the application documents provide the Council with sufficient and relevant information on which to assess the proposals including the environmental and heritage impacts. Furthermore, there are mechanisms to control the detailed design of the residential buildings at reserved matters stage.

PRINCIPAL PLANNING CONSIDERATIONS

This application raises a number of significant planning and heritage issues:

1. The principle of mixed-use development of the site
2. The impact of the development on heritage assets including demolition of curtilage listed buildings
3. The layout, scale and design of the development
4. The impact on designated habitats and protected species
5. The site access arrangements and impact of the scale and nature of development on the highway network
6. Other planning considerations including flood risk, affordable housing, archaeology, sustainability
7. The public benefits of the proposed development

PRINCIPLE OF MIXED-USE DEVELOPMENT

The Bath Quays South site is located in Central Area of Bath (as defined in Policy B2 the Core Strategy) and identified with adjoining sites as a Key Development Opportunity. The site also forms part of the wider Riverside Enterprise Area and, with the Bath Quays North site, is identified as Site 05 in the Bath City Riverside Enterprise Area Masterplan Vision Report.

Policy SB5 in the Placemaking Plan sets out the development requirements and design principles for Bath Quays South and the adjacent Riverside Court. The application site is expected to deliver approximately 9,500sqm of B1 office space, to include a significant proportion of creative workspace within the former Stothert & Pitt buildings, around 70 dwellings, and supporting A3 uses. The policy proposes an east/west pedestrian cycle route through the site (connecting into and through Riverside Court) and public access to the riverside and the creation of a strong visual and cultural identity with varied built form to reinforce the existing built context. Development of the site should enhance the wider cityscape and views along the river.

The current application proposes:

- 5,017 sqm Gross Internal Area (GIA) B1 office space in new building
- 4,539 sqm GIA B1 creative workspace in Newark Works buildings (up to 10% available to be used for A1, A3, D1, D2 purposes)
- up to 5,027 GIA sqm C3 residential (up to 60 flats)
- up to 193 GIA sqm A1/A2/A3 retail space
- semi-basement and surface parking (total 67 spaces)

The office floorspace proposed on the site seeks to meet the space requirements of a significant local business (BMT) as well as provide creative workspace within the renovated Newark Works buildings. The overall quantum and mix of office space including the re-use of the Newark Works buildings is in accordance with Policy SB5.

BMT is a major design engineering, maritime research and development, technology advancement and modern engineering consultancy with operations across the UK and internationally. BMT's headquarters are located in south-west London, with three businesses located in Bath. These occupy around 3,700sqm in Maritime House adjacent to the Bath Quays South site and in Plymouth House and Berkeley House close by on the Lower Bristol Road. The new office building will enable BMT to consolidate and co-locate

its business operations in Bath as well as allow for future growth of the company. The refurbishment and re-use of the listed Newark Works buildings as creative workspace will be brought forward by an operator (TCN) who specialise in the regeneration of unused buildings as workspace for small businesses. The space they manage caters for individuals and start-up companies rather than corporate offices and they have experience of managing similar space in other cities including Temple Studios in Bristol. The majority of the building would be used as creative workspace with up to 10% available for other uses to provide some flexibility in the final occupier.

Residential floorspace in new buildings on the site would provide up to 60 units with small retail units at ground floor level.

The proposals for the site will deliver an employment-led scheme that accords with the overall vision for the site and wider Enterprise Area. The new office building and conversion of Newark Works will together provide a quantum of Grade A office space and creative workspace (total 9,556 sqm) in accordance with that identified in the Policy SB5. The number of residential units (up to 60 based on an indicative mix of 18 studios, 25 x 1 bed, 12 x 2 bed and 5 duplex) is slightly below that identified in Policy SB5 and does not include any affordable housing. The original application proposed up to 70 dwellings however in response to comments regarding the scale of the buildings on the site the western residential building has been reduced in height resulting in a reduction in the total number of dwellings that the scheme can accommodate. Policy SB5 refers to 'around' 70 dwellings and it is considered that an appropriate balance has been struck in terms of meeting the figure in the policy and addressing concerns regarding the scale of buildings. Although A1 retail use is not identified in Policy SB5 (supporting A3 uses are) Core Strategy Policy CR4 supports the provision of appropriately located small-scale local shops (less than 280 sqm) outside designated centres. An allowance for up to 10% of the space in the Newark Works buildings has also been proposed for other supporting uses (A1-A3, D1, D2). Although D1 and D2 uses (and A1) do not form part of the land use mix outline in Policy SB5, subject to this space not being consolidated into a single unit (which could be up to 450 sqm) they are considered appropriate supporting uses as part of the mixed-use character of the site and the delivery of creative workspace. The unit size can be controlled by condition.

Policy B1 in the Core Strategy sets out the land use priorities for Bath in the context of the overarching objective of sustaining and enhancing the significance of the city's heritage assets. This includes planning for growth in jobs, an increase in office space, expansion of knowledge intensive and creative sectors as well as delivering new housing. Policy B2 notes that change within the Central Area should improve Bath's profile and performance including as a more dynamic place for business, enterprise, creativity and innovation. Change within the Central Area should also reinforce and contribute to the City's unique character and identity. Bath Quays South, with other sites, is identified as a Key Development Opportunity with the most capacity for significant change and key regeneration opportunities. In terms of the overall development objectives and land use mix it is considered that the proposals are in general accordance with the Policy B1 and B2 of the Core Strategy and in terms of the mix and quantum of floorspace in general accordance with SB5 of the Placemaking Plan. Subject to conditions regarding the phasing of works to ensure that the refurbishment of the Newark Works buildings takes place this aspect of the proposals is supported.

IMPACT OF THE DEVELOPMENT ON HERITAGE ASSETS

Notwithstanding the conclusion reached regarding the principle of mixed-use development of the site, the Core Strategy and Placemaking Plan and Local Plan set out a number of policies relating to the protection of heritage against which the proposals must be assessed. These include the overall vision and spatial strategy for the city, as well as specific policies relating to development within and impacting on the World Heritage Site, listed buildings and their setting as well as the setting of conservation areas. Other policies highlight the importance of high quality design and the design values for new development in Bath. Policy SB5 sets out specific design principles for the application site.

In addition to local policies the NPPF sets out the approach to be adopted when considering applications affecting heritage assets, and under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a duty on the Council to have special regard to the desirability of preserving the setting of listed buildings. Under s.72 of the same Act there is the duty on the Council when considering proposals within conservation areas to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area.

The NPPF requires that as part of decision-taking process local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and should avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The NPPF states that local planning authorities should conserve heritage assets in a manner appropriate to their significance and any harm or loss should require clear and convincing justification. In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and of the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. World Heritage Sites (WHS) are identified as being heritage assets of the highest significance.

In this context the proposals need to be assessed in terms of the nature and significance of the impacts arising including the impact on the attributes of the WHS, the loss of Grade II curtilage listed buildings, the impact of the new buildings on the setting of the Grade II listed Newark Works and that of other listed buildings, as well as the proposed works to the Newark Works buildings.

Whilst the application site is not located within a conservation area the development will impact on the setting of the adjacent conservation area, the boundary of which runs along the south bank of the Avon (northern boundary of the application site) and wraps around it to the east (at Churchill Bridge) and south (along the railway line). Accordingly the impact of the development on the setting of the conservation area has also been assessed.

World Heritage Site

As noted above the WHS is a heritage asset of the highest importance. The NPPF makes clear that substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional. Harm to the WHS can arise from direct impacts on its attributes as well as the appreciation of those attributes. Of particular relevance in this case are the attributes identified in the 2016-2022 WHS Management Plan relating to the Georgian city and its architecture and town planning within a wider landscape setting of the city in a hollow in the hills. Policy B4 of the Core Strategy states that there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity. Where development has a demonstrable public benefit this benefit will be weighed against the level of harm to the Outstanding Universal Value of the World Heritage Site.

The topography of the city provides a number of important short and longer distance views in which the application site is visible from the surrounding hillsides. The site is also visible in views out of the city towards the green hillside that provide its setting, as well as in more incidental views from within the city centre. Historically the application site has accommodated a number of large industrial buildings, some until relatively recently, and the remaining riverside buildings to the east are of a significant scale.

The application as amended proposes buildings on the Bath Quays site that will be no higher than the adjacent Maritime House, with the majority being lower. The massing, roof form and materials of the proposed office building also seek to mediate the impact on views by breaking down the mass of the building into a number of separate elements, rather than a single block as originally proposed. Whereas the original proposals for the office building were for a single, red brick building with a distinctive split mono-pitch roof, the amended proposals are for a lower building incorporating a mix of pitched and flat roofs with Bath stone being used towards the river/facing the city and a dark grey brick to the rear i.e. towards Newark Works. The proposed materials are considered further below under Layout, Design and Scale.

The Built Heritage chapter of the ES includes a Heritage Statement and an assessment of the likely significant effects on the WHS. The applicant has also presented the findings of the heritage assessment using the format set out in the ICOMOS guidance note (Guidance on Heritage Impact Assessments for Cultural World Heritage Properties, January 2011). Whilst construction effects will be temporary and will not give rise to permanent harm to the WHS, the new office and residential buildings will be visible in a number of key views and will impact on a number of the attributes that contribute to the city's WHS status. The ES assesses the impact of the development on the identified views as 'Negligible' or 'Minor Adverse' with the cumulative impact as 'Moderate Adverse' due to the impact of the approved Pinesgate development.

Historic England's response to the original proposals was that whilst the proposals did not amount to 'substantial' harm the impact was at the "upper end of less than substantial harm" and objected to the application. In the light of the revisions they now advise the visual impact of the proposals has been lessened with a reduced degree of harm to the historic environment. They conclude that whilst a further reduction in the volume of the office building would reduce the impact further, they no longer object to that element of the proposals although they remain concerned regarding the scale of the residential elements. BPT in their comments on the revised proposals for the office building note that while the overall bulk remains out of character in this immediate context, and the building will still

have a substantial impact from some viewpoints on views of the city and its green hillsides, the changes to the appearance and height help to reduce the high degree of visual harm caused by the original proposals. A number of other objectors raised similar concerns regarding the impact of the development on the WHS.

As noted above the proposals have been the subject of a number of amendments including a reduction in the height of the office building and the middle (residential) building on the site. The effect of these reductions is to reduce the impact of the building on views into, across and from the city. Whilst views of some parts of the city will be obscured, such as of the Royal Crescent from Wells Road, from the majority of viewpoints the city and the green hillsides beyond are visible. It is considered that the changes combine to reduce the impact of the building in views into and out of the city and substantially address the concerns raised by consultees and Officers regarding the original scheme. Nonetheless Officers conclude that the development will cause harm to the WHS. For the reasons outlined above that impact is considered to amount to less than substantial harm but given the significance of the WHS this harm is considered to be in the mid to upper scale of harm to this heritage asset. As set out in the NPPF and Core Strategy Policy B4, this harm is to be weighed against demonstrable public benefits of the development.

Listed Buildings

The application site includes the Grade II listed Newark Works and associated curtilage listed buildings. The application proposes the refurbishment of the Newark Works buildings fronting onto Lower Bristol Road including the re-construction of the Smithy building at the eastern end of the site. The refurbishment and renovation of the Newark Works involves limited alteration and intervention. Bringing the building back into use through sensitive restoration is a significant enhancement to the heritage asset and the works will ensure the preservation of the listed building.

The proposals also involve the demolition of the curtilage listed Boiler House (Building 6) and the former Foundry (Building 8). Listed building consent has recently been granted for the demolition of the Boiler House as part of the proposals for the new bridge connecting Bath Quays South and North (16/05349/REG13 and 16/05348/REG03). Nonetheless the demolition of this building and the Foundry must be considered as part of the application for Bath Quays South.

The Historic England listing entry for Newark Works relates principally to the range of buildings fronting Lower Bristol Road including the attached but unlisted West Machine Shop. The Boiler House, thought to have been constructed in the early 1900's, incorporates a section of the arches that historically formed part of the Smithy complex however it is assessed as being of limited architectural interest. Its importance derives from its association with the industrial processes that took place on the wider site when it was occupied by Stothert and Pitt. The Foundry building dates from 1895 and whilst assessed to be of not great architectural merit it is a distinctive building with its two storey double pitched roof and twin gable ends visible in views from the north and east across the river. Whilst the equipment that was formerly within the building has been removed the building is intact and together with the buildings on the site and those to the east offers visual reminder of Bath's industrial past.

Saved Local Plan Policy BH.2 relates to development affecting a listed building or its setting and states that it will only be permitted where it preserves the building's special architectural or historic interest, preserve any feature of special architectural or historic interest which the building may possess, retains the historic form and structural integrity of the building, respects the character of the building in terms of scale, style, design and materials, and does not adversely affect the building's contribution to the local scene including its role as part of an architectural composition. In respect of demolition, Saved Policy BH.3 states that development involving the total or substantial demolition of a listed building will only be permitted in exceptional circumstances and where certain criteria are met. The Foundry building has a historical functional relationship with the Newark Works and is considered to be of moderate significance in heritage terms and demolition of the Foundry Building and Boiler House will remove important reminders of the site's history and former use. Part of the consideration of the proposed demolition is the impact of the replacement buildings on the remaining heritage assets. The proposed new office and residential buildings are of a significantly greater scale than the existing buildings on the site and will impact on the setting of the listed Newark Works buildings. The buildings also have a different footprint, massing and roof form from the buildings to be demolished and retained. The detailed design is considered further below however the combination of the loss of the curtilage listed buildings and the scale, proximity and design of the replacement buildings is considered to give rise to harm to the heritage assets. Given the significance of the listed and curtilage listed buildings affected by the development this harm is considered to be at the mid-point of less than substantial. Notwithstanding the restoration of the principal listed building and bringing the site back into productive use as well as supporting the delivery of other development plan objectives, the development is not in strict accordance with Saved Policies BH.2 and BH.3 and this needs to be weighed in the overall planning balance.

Bath Conservation Area

As noted above, 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 when considering development within a conservation area. The application site lies outside but immediately adjoining the Bath Conservation Area, the boundary of which runs along the southern bank of the Avon and wraps around the site to the north, east and south. Whilst not within the conservation area, development on the site will have a direct impact on views into and out of it and will provide the foreground for views across the Avon from Green Park and Bath Quays North.

The City Centre Conservation Area Character Appraisal (2015) necessarily focuses on the townscape and other features of the conservation area itself, however views from within the conservation area towards the surrounding hills is identified as an important characteristic. The view of Beechen Cliff, one of which is along Green Park Road, is identified as a significant view but also along the river towards the 'industrialised South Quays'. In this context the new buildings will impact on the setting of the conservation area with new buildings filling the 'gap' that currently exists at the application site and partially obscuring the view of the green hillside beyond from Green Park Road. The Character Appraisal also identifies views into the area including the 'spectacular panorama of the entire city' from Beechen Cliff although due to the elevation from this viewpoint the appreciation of the Georgian city and its buildings is not significantly changed.

The application site has had large-scale industrial buildings occupying the majority of the site, including a number that were on site when the conservation area was designated but which have since been demolished. The buildings proposed on the application site are of a greater scale than the remaining buildings, including elements similar in height to the adjacent Maritime House. The proposed development will increase the general scale of buildings along the southern bank of the river although as amended they are generally lower than originally proposed and now allow views from within the conservation area of the green hillsides beyond. The Bath Conservation Area is extensive and encompasses a range of building types from the Georgian city to mid/late 20th century factory buildings. The areas adjacent to it are similarly varied and in the case of the conservation area around the Bath Quays South site this comprises 19th century industrial buildings as well as modern office and storage buildings. In this context it is considered that although the setting of part of the conservation area will change, it will result in less than substantial harm to the character and appearance of the conservation area as a whole and at the lower end of less than substantial. Saved Local Plan Policy BH.6 states that development within or affecting a Conservation Area will only be permitted where it preserves or enhances the character or appearance of the area, in terms of size, scale, form, massing, position, suitability of external materials, design and detailing. In this case the development will result in some harm to the conservation area and this must be weighed in the overall planning balance.

Heritage Conclusions

The Council's Conservation Officer considers that compared to the original proposals the reduction in height of the proposed office building and the introduction of natural stone improve the impact of the building on the settings of the World Heritage Site, the conservation area and the listed Newark Works. They also note that a larger expanse of Beechen Cliff remains visible from the Green Park area of the city and that the use of natural Bath stone on the river frontage introduces a greater degree of harmony with the surrounding built context in this part of the World Heritage Site. However they conclude that the overall design of the development causes harm to the settings of the heritage assets. As a 'stand-alone' building which would be viewed on all sides the bulky form of the office building would be prominent, visually excessive and out of context. They conclude that the design of the roof with such large expanses of very low mono-pitch forms together with the solar panels would intrude on and harm established views from the hillside to the south, particularly those from Wells Road. They also question the use of a dark brick for which there is no precedent in such a large quantity in the city and which would further detract from the ability of the building to harmonise with the surrounding environment. Other consultees including Historic England note that the contrast of the lighter stonework with the rear brick section helps break down the apparent mass of the building, and the use of a darker brick reduces its visual impact in views.

In respect of the residential buildings the Council's Conservation Officer concludes that due to the excessive height, and the unsympathetic form and architectural treatment shown in the illustrative scheme, they would harm the heritage asset settings. In the absence of a Design Code to ensure that the quality and design of any future scheme is fully controlled they object to this element of the proposals which would cause a considerable degree of harm to the settings of the relevant heritage assets. Historic England also express concern regarding the scale of the residential elements.

In respect of the proposed demolitions the Council's Conservation Officer considers that at present there is no clear and convincing case for the loss of the Foundry building which has significant historic value in terms of the city's surviving industrial heritage. Removal of the Boiler House is not considered to be an issue due to its low level of significance and much altered condition.

In the light of the above assessment it is considered that the proposals will result in harm to a number of designated heritage assets. The nature and extent of that of harm has been outlined above and in reaching the conclusions regarding the scale of harm, appropriate consideration has been given to the importance of the heritage asset. Overall it is considered therefore that there is:

- Less than substantial harm to the World Heritage Site however given the significance of the heritage asset this harm is at the mid to upper end of less than substantial.
- Less than substantial harm to the listed buildings and their setting and given the significance of the heritage asset this harm is at the mid point of less than substantial.
- Less than substantial harm to the character and appearance of the conservation area and given the significance of the heritage asset and the fact that the site is located outside the conservation area this harm is at the lower end of less than substantial.

LAYOUT, SCALE AND DESIGN

The application site increases in depth from east to west and the proposals locate the office building at the western end of the site, with two residential buildings between the office building and the recently approved bridge. Given the bend in the river at this point and the alignment of the floodwall the residential buildings form a 'wedge', narrowing towards the bridge. The space between these new buildings and the retained Newark Works buildings (referred to as 'the Yard') varies in width from around 7.5m to 15m and will provide pedestrian access to all buildings on the site.

Core Strategy Policy CP6 seeks to promote, protect, conserve or enhance the distinctive character and diversity of the area's environmental assets through high quality design. The Placemaking Plan identifies the Design Values for New Development in Bath and Policy SB5 sets out a number of Development Requirements and Design Principles in relation to the Bath Quays South site. In respect of design considerations these include guidance on routes, built form, views character and building heights, and public realm. In terms of building heights the application site lies within Valley Floor Zone 3 in the Bath Building Heights Strategy. This is a wide area stretching along the river from the application site west to the edge of the city. The study notes that buildings along Lower Bristol Road are between 1 to 4 storeys but many of the industrial buildings such as the Mill Buildings are up to 6 storeys and provide 'skyline accents' along the river. It also notes that this area is visually distinct from the Georgian City, with a fragmented townscape and a variety of building heights. It suggests that this zone provides the opportunity to maximise development potential while ensuring the protection of the Outstanding Universal Values of the Georgian City and its primacy within the urban form. Within this zone the recommended building shoulder height is four storeys, with one additional setback storey likely to be acceptable. One additional storey may be appropriate fronting public space and marking key locations such as corners or gateways and mixed use centres however it may be necessary for the height to be less than 4 storeys in response to heritage assets, residential amenity and to prevent intrusion in views. Development along the riverside should however be subservient to the Georgian

city and avoid merging with it to retain legibility of the Georgian city particularly when seen from higher ground.

The height of the proposed office building is five full storeys and the height parameters for the residential buildings would allow for four storeys in the centre of the site rising to six at the eastern end of the site adjacent to the new bridge landing and Maritime House. In terms of the guidance in the Building Heights Strategy the proposed buildings are therefore at the upper end of, and if built to the maximum shown in the parameter plans beyond, the heights considered appropriate within this part of the city as set out in the Building Heights Study. Notwithstanding the reduction in height of the office building the Council's Urban Design and Landscape Officers raise concerns regarding the height of this building (as well as its mass) and they together with Historic England and the Council's Conservation officer consider the eastern residential building to be too tall. In addition, although the proposed siting of the new office (and residential) building creates a clear separation between them and the listed Newark Works buildings, with a shared space between them, the Council's Urban Design Officer considers that the massing in relation to Newark Works is too great with no positive dialogue between the existing and proposed architectural elements of those buildings.

In terms of measured height (rather than storeys), the maximum height of the office building is 39.9m Above Ordnance Datum (AOD). The residential buildings are a maximum of 41.7m at the eastern end of the site and 36.2m for the western block. This compares with 41.7m to the ridge of Maritime House and 37.3m to the eaves. The eastern residential building will mark the bridge landing zone on the southern bank of the Avon and will be a clear marker for the site when viewed from Churchill Bridge. It will also be viewed in the context of the adjacent Camden Mills, Bayer Building and Maritime House which are of similar or greater height. It is relevant to note that although the Design and Access Statement includes an illustrative scheme this is not for determination as part of the current application. Objection has been raised by a number of parties to the height of the building at the eastern end of the site however with appropriate massing, elevational treatment, roofscape and materials it is considered that this location can support a taller building. With the existing tall former industrial buildings to the east, the new and existing buildings will be seen and read together and as a distinct part of the city. The residential and office buildings on the site to the west are lower and it is considered that the additional height at the eastern end would not set a precedent or benchmark for other sites along the river. Reducing the height of this building would reduce further the residential accommodation on the site and it is considered that for the reasons outlined above the height of the eastern building is acceptable.

The new office building has a regular floorplan with a central core however externally it has been broken down into a number of elements. The building has been split north-south, with the western section pushed away from the river (including a terrace at roof level) and extending beyond the plane of the eastern section and into the Yard above first floor level. Whilst the elevational treatment in terms of window sizes and position is consistent on all elevations, the building has also been split on its east-west axis in the materials used, with the section fronting onto the river being in Bath Stone and that onto the Yard being a dark brick. The 'gap' between these elements is a full height glazed section, reinforcing the break between the elements of the building. The roof form comprises two opposing roof planes on each (east and west) section of the building, with a flat roof over the remainder of the building. The facing material of the building is

extended to the parapet so that the angled roof section is clearly expressed in the east and west elevations.

Whilst the height of the office building has been reduced and the overall bulk broken down from that originally proposed through design and materials the Council's Urban Design and Landscape officers consider that the large solid mass of the proposed office block is out of character in such a prominent location and when seen from close and more distant views. They consider this impact is exacerbated by the large areas of flat roof seen both from higher views (where the unbroken roof planes are particularly out of character) and from closer views such as from the river path, Green Park Road and from Green Park. The roof form is not typical of Bath (and flat roofs are generally not supported) however the proposals avoid a continuous flat roof and introduce some variety in the roof profile and this is considered to be an acceptable solution for this building.

The residential and office buildings are separated by a publicly accessible space that rises in a series of steps and ramps (above the car park) to the height of the floodwall. This space allows views towards the city centre as well as back into the site from the north. This also provides views through to the Newark Works buildings, although given the raised floodwall these views will be limited and glimpsed rather than allowing for a full appreciation of the listed building beyond. The Council's Urban Design Officer has raised concerns that there will be no active relationship between the office building and the outside spaces, including with the space between it and the residential buildings where the eastern elevation to the office building is largely blank. The illustrative layout for the residential buildings also presents a largely inactive frontage however this is a matter that can be addressed at reserved matters stage to introduce a more active lower level and active surveillance of this space. The Council's Urban Design Officer also notes that the commercial units at ground level of the residential buildings are very small and have little scope to spill out generously into public spaces without interrupting the pedestrian routes. The Yard space provides access to the Newark Works buildings as well as the office building and retail units however vehicular access is restricted to emergency and service vehicles only and whilst it serves a number of functions it is considered that this will add to the vibrancy of the space.

The new buildings will be the largest structures on the site and the relationship with the listed Newark Works building will be experienced mainly from within the site in the Yard. The history of the site over the last 150 years has been one of a continually changing collection of functional buildings constructed and replaced to meet the operational needs of the activities taking place there. This included substantial structures butting up close to what is now the listed building including in the relatively recent past. Given the proposed loss of the Foundry and Boiler House the setting of the Newark Works building will change fundamentally and this is part of the harm that has been previously identified. Whilst the new buildings will be taller, given the existing building heights to the east and the historic context of buildings on the site this impact has to be weighed with the delivery of key objectives for the site set out in the Placemaking Plan.

As noted above, the north section of the office building facing towards the city is to be Bath stone, with the southern section onto the Yard in a dark brick. The Newark Works building already uses stone on its more public elevation (to Lower Bristol Road) and brick on its interior elevation within the site. The choice of these materials (to replace the red brick originally proposed) aims to relate the public, city-facing elevation to the predominant

material in the city, with that of the building facing the Yard seeking to evoke the industrial past of the site, with the dark colour picking up on the engineering facing bricks used on parts of the railway viaduct close by. The Council's Landscape and Conservation Officers have expressed reservations about the extent of the dark brickwork on this building although Historic England consider that it assists in breaking down the apparent mass of the building and reduces its visual impact in views. Sample panels of the proposed materials (including details of block/brick size, jointing and mortar colour) are required and this can be secured by condition.

The proposals for the residential buildings have been submitted in outline only with parameter plans defining the maximum footprint and building heights. Objections have been raised about the building heights but also the fact that the proposals are in outline. The illustrative design included in the Design and Access Statement is not submitted for approval however it is not considered appropriate for this site and should not be the starting point for the detailed design of these buildings. To address this concern the applicant has submitted a Design Guide to control and inform the detailed design. This provides an appropriate analysis of the context in which the new buildings will be designed and sets out design requirements and guidelines for these buildings. The scope and content of the Guide is considered an appropriate basis on which to progress reserved matters and would be secured by condition.

In terms of the public realm and landscaping proposals the ground level within the site is to be generally maintained and public realm in the Yard ties in with the ground floor of the office building and Newark Works buildings. The ground floor level of the residential buildings (to be used for retail purposes and access to the residential accommodation above) will be primarily at this level although the detailed design will need to accommodate the change in level between the bridge landing area and the main site level. The response to site levels is considered appropriate and the Environment Agency raise no objection on flood risk grounds. The planning permission for the bridge establishes a detailed landscape scheme for this area although the application for Bath Quays South also includes a 'without bridge' scenario should the bridge not be built. Details of this would be submitted as reserved matters should planning permission be granted for the South Quays development.

Policy SB5 in the Placemaking Plan includes a diagram showing the northern edge/river bank of the site as an area of green infrastructure improvement. It also identifies a pedestrian and cycle east-west route through the site (connecting with Riverside Court), with additional access points onto Lower Bristol Road and public access to the riverside and along the river's edge. Pedestrian, cycle and vehicular access issues are considered further below however the application incorporates access through the site with the potential for onward extension into Riverside Court. It also provides access to the river edge in the form of viewing areas between the office and residential buildings and at the bridge landing zone. Access along the river edge is not however provided. The existing buildings to the east rise directly from the river and so connection to the east is not possible and within the application site the river edge is to be lowered to maintain a flood conveyance zone, with this area also providing replacement habitat and contributing to green infrastructure along the river. In the circumstances it is considered an appropriate balance has been struck between accommodating public access to the river edge and securing an edge to the site compatible with its function as a flood conveyance zone.

As noted above, the Core Strategy sets out a general objective of securing high design quality and the Placemaking Plan identifies the Design Values for New Development in Bath. Policy SB5 sets out a number of Development Requirements and Design Principles in relation to the Bath Quays South site. These policies do not require a specific architectural response and it is considered that the proposed development, as amended, delivers the development requirements for the site whilst addressing the design values and principles through a combination of layout, scale, massing, design and materials.

IMPACT ON DESIGNATED HABITATS AND PROTECTED SPECIES

Saved Local Plan Policy NE.9 seeks to protect designated sites and Policy NE.10 states that development that would adversely affect protected species will not be permitted. Policy D.8 in the Placemaking Plan provides further guidance in respect of lighting of new development. The River Avon is designated as a Site of Nature Conservation Interest and the site is located within the Bath & Bradford-on-Avon Special Area of Conservation (SAC). A number of species of bat have been recorded at or around the site and the river is an important dark corridor. Saved Local Plan There is evidence of a Lesser Horseshoe Bat roost within the Newark Works building which will be replaced on the site. The Council's Ecologist has advised that acceptable replacement roost provision can be provided. In respect of maintaining the dark corridor along the river, objection was initially raised to the level of light spill from the buildings and to the reliance on building management (such as lowering blinds on windows) as mitigation. The lighting assessment has been reviewed and updated with new mitigation measures (including glazing specification) and now demonstrates that light spill can be limited to an acceptable level. Natural England have confirmed they have no objection on this matter subject to conditions securing their implementation and for specified light levels to be secured on the new residential buildings.

There is evidence of an otter resting place (holt) on the river bank near a former wharf/jetty structure within the Bath Quays South site. This would be lost as part of the amended flood mitigation works associated with the development of the Bath Quays South site. The loss of the otter holt and its replacement was considered and approved in principle as part of the new bridge application however if that project does not proceed the loss would occur as part of the Bath Quays South development. Accordingly prior to any planning permission being granted there will need to be confidence that the "three tests" of the Habitat Regulations would be met and that a European Protected Species (EPS) licence is likely to be obtained.

The current proposals include early provision of a replacement otter holt, before it is destroyed, close by downstream of the site and this would maintain the existing provision in this location within the river system. This alternative provision would not be detrimental to the maintenance of otter populations in this part of the range and the location and timing of its provision as well as details of the replacement holt can be secured through a planning condition. In terms of alternatives to the loss of the protected habitat, this includes consideration of whether not undertaking the development represents a 'satisfactory alternative'. The regeneration of the Bath Quays South site will realise the objectives of the Core Strategy and Placemaking Plan and in a form consistent with the requirements to maintain flood conveyance in this stretch of the river. In the circumstances a 'do nothing' approach is not a satisfactory or appropriate alternative, nor is re-designing the flood mitigation works in this area which would have significant implications for locations up and downstream.

As the proposed development results in the destruction of an otter holt the Habitat Regulations require that it must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'. The proposed development is not required to preserve public health or public safety and therefore there must be an imperative reason of overriding public interest to justify the development. Natural England guidance on this includes where the development is meeting or making a contribution towards a specific need, such as complying with planning policies and guidance at a national, regional and local level and requirements for economic or social development including employment, regeneration and, housing. The public benefits of the proposed development include the regeneration of an important site providing a mix of employment and housing as well as the restoration of a designated heritage asset. In light of the public benefits of the proposed development, and the fact that the proposals will only effect a single otter holt, it is considered that there are imperative reasons of overriding public interest to justify the proposed development. It is therefore considered that the three tests of the Habitat Regulations are passed.

It is considered that whilst protected species and habitats will be affected by the proposed development, with the proposed mitigation the proposals will comply with Saved Policies NE.9, NE.10 and Policy D.8 in the Placemaking Plan.

ACCESS AND IMPACT OF DEVELOPMENT ON THE HIGHWAY NETWORK

The application proposes all vehicular access from the west via Riverside Road, providing direct access to the car park located beneath the new buildings. Emergency and service vehicle access will be permitted through the site and service access limited through rising bollards to restrict through access and thereby avoiding potential conflicts with pedestrians within the site.

To the east it is proposed that the existing car park serving the adjacent Maritime House and accessed directly from Lower Bristol Road is retained, but with a reduced area. The balance of the space will be used as a pedestrian and cycle route to the site and the new bridge. Given the height at which the bridge lands on the application site and the level change to Lower Bristol Road, with the need to provide disabled access this results in a series of ramps and steps between the bridge and Lower Bristol Road. In the long term the objective, as set out in the Placemaking Plan, is to provide a route through Bath Quays South continuing onto Riverside Court and connecting with Riverside Road. In the interim, access will only be from the eastern end of the Bath Quays South site (or a diversion round the northern side of Riverside Court which is unlikely to be used by pedestrians). Options to provide a link through the buildings at the western end of the site have been discussed however the Applicant has decided not to pursue this. Whilst this is disappointing it is considered that the eastern access arrangement provides a reasonable interim solution and does not prejudice the long term objective of linking through to Riverside Court.

Parking provision on the site is a mix of at-grade parking along the access road from Riverside Road and along the western boundary, and undercroft parking beneath the buildings. The Council's Highways consider the location of the spaces and siting of

existing and new buildings creates a number of pinch points however they do not object to the proposals.

A total of 67 car parking spaces, 43 for the employment space and 24 for the residential are provided on site. The majority are located under the new buildings on the northern part of the site, with office and retail uses fronting onto the Yard. Bath Quays South is located within the Outer Bath parking zone where the standard is 1 space per 100m² for B1 space and 1 space per 1 bed dwelling and 2 spaces per 2-3 bed dwelling for C3 residential. Based on these standards the total parking provision would be in the order of 172 spaces, 96 spaces for the employment space and 76 spaces for the residential. The amount of parking proposed is therefore considerably below that set out in the Placemaking Plan. However the site is located close to the City Centre parking zone, where a parking requirement of 24 spaces for the office and 30 for the residential would apply.

Based on the quantum and mix of uses identified for Bath Quays South in the Placemaking Plan and proposed in the current application, the ability to accommodate policy compliant levels of parking on site is constrained by its size, flood risk considerations and existing buildings. To support the parking strategy the Applicant has undertaken an assessment of the site's accessibility to public transport and the city centre. They note that the site is located immediately south of the City Centre parking zone where standards are significantly lower. Under existing access arrangements the application site is a short walk from the bus and rail stations and Odd Down Park and Ride bus stop. Once the new pedestrian and cycle bridge has been completed walking distances to the Newbridge and Lansdown Park and Ride stops will be reduced. They also note that walk distances from parts of the City Centre zone to the bus and rail stations is considerably further than from the Bath Quays South site. Highways advise that to ensure residents parking does not increase on-street parking in the area and in order to satisfy the aim of paragraph 4b of Placemaking Plan Policy ST7 a condition should planning permission be granted, parking spaces should be reserved for residents at a rate of 0.5 spaces per dwelling. The Applicant has submitted a draft Travel Plan Framework for the B1 space to seek to influence travel behaviour and achieve a shift towards sustainable transport. The submission and approval of a final Travel Plan including how it is operated can be secured by condition.

The application proposes that, consistent with the approved bridge proposals, the route from the bridge to Lower Bristol Road is adopted however Highways consider the route through to Riverside Road should be considered for adoption. Highways recommend that full engineering details of the works in all the areas to be adopted should be submitted and approved in the context of the formal adoption process and this can be secured by condition. Offsite highway works are proposed comprising pavement widening and new cycle lanes on Lower Bristol Road, the principle of which have been agreed with Highways subject to minor changes. These works should be finalised and secured by condition with the works to be completed prior to first occupation unless it has been undertaken in advance of this as part of the bridge works.

It is considered that the proposals comply with Placemaking Plan Policy ST7 and facilitate the delivery of the access and movement objectives of Policy SB5.

OTHER PLANNING CONSIDERATIONS

Flood Risk

The application site lies within the Environment Agency's Flood Zone 3a and considered to be a high annual probability (greater than a 1 in 100 year risk) of flooding from fluvial sources. In preparing the Placemaking Plan the Council undertook a Sequential Test assessment for 20 sites within Bath including the South Quays site. The assessment concluded that for sites at risk of flooding in the Policy B2 and B3 areas (including the South Quays site), there are no alternative Flood Zone 1 sites available that meet the strategic requirements set out in the Core Strategy.

The application site forms part of the wider Bath Quays Waterside Flood Defence Project (14/04195/ERE03), currently being undertaken between Churchill Bridge and Midland Road Bridge. Providing this infrastructure enables the Bath Quays South site to be developed without increasing the flood risk for the wider Bath area and will also improve conveyance through the area and reduce the flood risk along Lower Bristol Road. As a 'More Vulnerable' use (C3 housing) is proposed within Flood Zone 3a an Exception Test has been undertaken for the application site. Residential floorspace is located at first floor level and above and to satisfy the Exception Test the flood defence works and associated mitigation measures forming part of the Bath Quays Waterside works, Bath Quays Bridge and South Quays will need to be completed prior to building occupation.

The Bath Quays Waterside Flood Defence Project incorporated a new floodwall along the northern edge of the Foundry building, but to the south of the Boiler House i.e. the latter was within the flood zone. The approved scheme also lowered the masonry wall that forms the existing northern boundary of the site, including the removal of a former area of wharf. The current application positions the floodwall slightly to the north of the approved alignment. The area on the river side of the wall forms part of the flood conveyance zone and will be landscaped to form a green edge to the site. This contrasts with the hard/stone edge that currently exists, although scrub vegetation on the site obscures part of the existing masonry wall. The lowering of this section of the riverbank is necessary to maintain flood conveyance and the landscaping of the area by the river provides an opportunity to create replacement habitat for wildlife. The new office and residential buildings will rise from the new floodwall creating a new hard edge to the site. In the light of the approved flood works the overall treatment of the river edge is considered an acceptable solution.

The implementation of the flood works and construction of new buildings on the site is intended to be undertaken on a phased basis. Whilst there are likely to be risks of fluvial as well as groundwater, surface water, sewers and groundwater as well as water quality during the construction phase the Applicant has submitted a draft Construction Environmental Management Plan and subject to finalising this document it is considered that the impacts can be satisfactorily mitigated.

The new floodwall will provide protection for the site, however it will be necessary to have a Flood Evacuation Plan and any residential floorspace will need to be at first floor level and above. The Environment Agency have advised that they raise no objection to the application subject to conditions being imposed to ensure that the mitigation measures set out in the submitted Flood Risk Assessment are implemented and that details of temporary flood defences during the construction phase and a site remediation strategy are submitted and approved prior to commencement of development. They also recommend that conditions are imposed regarding surface water drainage and piling and

foundation design. It is considered that the proposals comply with Core Strategy Policy CP5.

Housing Delivery including Affordable Housing

The application proposes up to 60 residential units on the site however as that part of the development has been submitted in outline only, no specific dwelling mix has been proposed. An illustrative scheme proposes a mix of 17 Studios, 25 x 1 bed and 11 x 2 bed flats plus 6 Duplex flats. This is slightly below the number identified in the Placemaking Plan but reflects what can be achieved with an appropriate scale of buildings on the site.

Bath Quays South is within an area where Core Strategy Policy CP9 requires 30% on-site provision. Policy CP9 states that when assessing the ability of a site to deliver affordable housing the viability of the proposed development should be taken into account, including whether there are exceptional build or other development costs and the achievement of other planning objectives. The application does not propose any affordable housing and the Applicant has submitted a financial appraisal to support this position. National Planning Practice Guidance (NPPG) states that a viability assessment may be necessary where the deliverability of a development may be compromised by the scale of planning obligations and other costs. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. NPPG also notes that a core planning principle of the NPPF is that in decision-taking local planning authorities should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities should seek to work with interested parties to promote the redevelopment of brownfield sites and to incentivise the bringing back into use of brownfield sites, local planning authorities should look at the different funding mechanisms available to them to cover potential costs of bringing such sites back into use and take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

The submitted financial appraisal has been reviewed by Cushman and Wakefield, independent consultants appointed by the Council (as Local Planning Authority). They confirm that based on their own assessment of land, construction and other costs and of residential and office values the scheme is unable to support the provision of affordable housing. Cushman and Wakefield have also tested options based on a lower developer return, achieving higher values as well as omitting various development costs that the scheme is having to bear such as a contribution to the flood mitigation works and significant public realm works costs. Their conclusion is that based on current market evidence of comparable office and residential sales values and the appropriate site development costs the scheme is unable to support affordable housing on-site or a financial contribution towards off-site provision while providing a reasonable developer return. An approach used on other sites where affordable housing provision is not policy compliant at the time of determination is to incorporate a review mechanism to reassess scheme viability at a future date. As the scheme will be delivered on a phased basis a review to reassess scheme viability to establish whether the development is able to support the delivery of on-site affordable housing or a financial contribution to off-site provision should be considered. Reducing the developer return further could support the provision of some affordable housing however this would need to be substantially below

market expectations and is not considered to be a commercial basis on which to appraise the scheme. It is also relevant that the development is delivering on a number of other planning objectives including bringing the site back into use after 10+ years of lying largely unused and delivering an appropriate mix of uses, at some considerable cost, as well as contributing to off-site infrastructure works. Were development of the site not to progress, in an acceptable form, a number of planning policies and the vision for the site and Enterprise Area would not be delivered. In the light of the assessment of scheme viability it is considered that the proposals comply with Core Strategy Policy CP9.

Archaeology

As well as the industrial archaeological importance of the existing buildings and surface features that are a remnant of the sites former use by Stothert and Pitt for the manufacture of cranes and other heavy engineering equipment, given its location the application site has potential for buried archaeological remains. The ES concludes that whilst the probability of buried remains of the earlier phases of the 19th century works and of other demolished buildings is high, the probability of specific deposits occurring from the period before the 19th century is considered to be no more than limited. It recommends however that limited archaeological trial trenches/pits should be excavated at targeted locations within the site to allow a better understanding of the nature, survival and significance of the industrial features/deposits located on the site. This conclusion is broadly accepted by the Council's Archaeologist who is in discussion with the Applicant team to agree the scope of an archaeological evaluation of the alluvium, pre-industrial and industrial deposits on the site as part of the programme of geotechnical site investigation that is planned for the site. They recommend that any necessary historic building recording, archaeological investigation or mitigation is secured by way of appropriate conditions.

Sustainability

The roof of the office building is to be used for the siting of photovoltaic panels that form part of the sustainability measures for this building which aims to achieve a 17% reduction in regulated CO2 emissions beyond the requirements of the Building Regulations Part L 2013 baseline. This would be achieved through the combination of passive design and energy efficiency measures and the implementation of an on-site Low and Zero Carbon (LZC) technologies, comprising a Combined Heat and Power (CHP) engine and 43kWp PV array. Consideration has also been given to connecting the site to a wider heat network however no current networks currently exist. Nonetheless the development will be provided with a heat exchanger as a means to connect to a wider heat network, should such a connection be economically, technically and legally viable to do so in future. The proposals are considered to comply with Core Strategy Policy CP2 and CP3.

PUBLIC BENEFITS OF THE DEVELOPMENT

The proposed development of the Bath Quays South site will deliver a number of public benefits that are a material consideration in the determination of the application to be weighed against the identified harm to heritage assets as well as other harm such as the lack of affordable housing.

The proposed development of the site will deliver the land use objectives set out in Policy SB5 of the Placemaking Plan, providing an employment-led mixed use development. The number of residential units is slightly below that specified in Policy SB5 however this is in response to the context of the site and the new homes will contribute to the Council's housing target.

The mix of B1 floorspace including offices and creative workspace space complies with Policy SB5. The provision of Grade A office space will address a significant gap in the city's office stock and will also provide space for an important local employer. Whilst the net addition to office floorspace in the city (through the release of space vacated by BMT) is relatively small, the development will assist in increasing the overall stock. As a business relocation the net effect of BMT occupying the new office building will not significantly increase employment in the city but the development will secure the retention of those jobs, within an important and high value sector and with the potential for growth. BMT's existing offices could be occupied by other businesses although prior approval has been granted for conversion of part of Maritime House to residential. The refurbishment of Newark Works by TCN will provide flexible workspace for the creative & digital sectors, two of the priority growth sectors in the city.

As well as investment and jobs created during construction the development is estimated to support around 700 full time equivalent jobs of which 265 would be net additional within BANES with an additional 185 jobs in the buildings vacated by BMT if they were retained in employment use and around 105 associated jobs within B&NES. The development is estimated to lead to a £24.1m net additional contribution to productivity (GVA) within the regional economy, of which £21.0m would be within the BANES economy and total annual household expenditure of around £1.1m on convenience and comparison goods and £0.6m on leisure goods and services supporting 10 net additional in BANES. The Council would also receive business rates and Council tax contributions plus New Homes Bonus.

The proposals will secure the retention and refurbishment of the listed Newark Works. This building has been vacant for a number of years and is currently in poor state of repair. The current application provides an opportunity to bring an important heritage asset back into productive use. This is consistent with Policy B1 (objective 5) of the Core Strategy regarding the regeneration and repair of areas within the Enterprise Area to create new productive townscape and improve relation between the city and the river.

The development will also deliver up to 60 new dwellings in accordance with the land use priorities for the site.

PLANNING BALANCE

The various balancing exercises outlined above require the benefits of the scheme to be weighed against the harm, including the less than substantial harm to heritage assets arising from the proposed development.

Heritage Assets

Paragraph 134 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. The requirement to conduct this balancing exercise is also reflected within the wording of the emerging Placemaking Plan policy HE1.

Guidance in the NPPG (Paragraph: 020 Reference ID: 18a-020-20140306) states that public benefits can be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not

just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

The public benefits of the proposed development are considered to be significant. These benefits are to be weighed against the less than substantial harm to the World Heritage Site, to the Newark Works and its setting, the demolition of the curtilage listed Foundry and Boiler House. The NPPF advises that great weight should be given to the conservation of a heritage asset and that the more important the asset the greater the weight should be. In this case it is considered that the considerable public benefits of the development outweigh the less than substantial harm to the heritage assets. It is therefore considered that the proposed development complies with paragraph 134 of the NPPF and policy HE1 of the emerging Placemaking Plan.

OVERALL BALANCE AND CONCLUSION

The current application seeks to deliver the development requirements of Policy SB5 in the draft Placemaking Plan and to achieve these balanced with other design, heritage, nature conservation, housing, transport, infrastructure and sustainability policies in the Core Strategy and Placemaking Plan.

The development will provide new employment space to address both local supply issues and to support key sectors in the local economy including the retention of a significant local employer. These are significant benefits arising from the development.

There is harm identified to heritage assets. However, this harm is considered to be less than substantial and is outweighed by the public benefits arising from the development.

The proposal will require the loss of an otter resting site however appropriate mitigation is proposed. Without mitigation there would be impacts on the dark corridor along the river however appropriate mitigation measures have been identified and would be secured by condition.

The proposals do not include affordable housing however it has been demonstrated that the viability of the development cannot support on-site provision or a financial contribution.

Overall it is considered that the proposals are in accordance with the relevant policies of the Bath and North East Somerset Core Strategy, the Bath and North East Somerset Local Plan and the emerging Bath and North East Somerset 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 development that improves the economic, social and environmental conditions in the area.

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 Time Limit (Outline Application)

(a) No part of the development approved in outline shall be commenced other than works of demolition (subject to compliance with Condition 3), on-site investigations and/or remediation, unless and until an application or applications for written approval of the matters reserved by this planning permission in respect of that part of the Development have been submitted to and approved in writing by the Local Planning Authority and the reserved matters applications shall include detailed plans, sections and elevations showing:

- o Appearance
- o Landscaping

(b) Application(s) for approval of the matters reserved by this planning permission must be made not later than the expiration of two years from the date of this decision notice

(c) The development approved in outline shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: This is in part an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 Demolition Works

No works of demolition of part or all of Building 6 (Boiler House) or Building 8 (Foundry) shown on Drawing 678-PL-010A (Demolition Plan) including preliminary strip out works shall commence until:

- (a) Evidence has been submitted to the Local Planning Authority that a valid contract has been let for the construction of the office building hereby approved in detail, and
- (b) A temporary landscape scheme for the treatment of the site or building(s) affected by the demolition works including a programme for carrying out such treatment has been submitted to and approved by the Local planning Authority.

Reason: To safeguard the heritage assets of the site until a scheme for the comprehensive development of the site is to be implemented in accordance with Policy BH.3 of the Bath and North East Somerset Local Plan.

4 Works to Newark Works

Other than demolition (in compliance with Condition 3), associated site investigations and/or remediation, no works shall commence on the office building hereby approved in detail until evidence has been submitted to the Local Planning Authority that a valid contract has been let for the repair, alteration, rebuilding and refurbishment works to the Newark Works building (including the East and West Machine Shops and Smithy) as set out in the Schedule of Repairs to Newark Works (Design and Access Statement Appendix D).

Reason: To safeguard the heritage assets of the site and to ensure the comprehensive development of the site in accordance with Policy BH2 of the Bath and North East Somerset Local Plan.

5 Building Occupation

The office building hereby approved in detail shall not be occupied until a contractor's certificate of practical completion in respect of the repair, alteration, rebuilding and refurbishment works to the Newark Works building (including the East and West Machine Shops and Smithy) as set out in the Schedule of Repairs to Newark Works (Design and Access Statement Appendix D) has been submitted to the Local Planning Authority.

Reason: To safeguard the heritage assets of the site and to ensure the comprehensive development of the site in accordance with Policy BH2 of the Bath and North East Somerset Local Plan.

6 Construction Management Plan

Prior to any works on site including demolition details of a Construction Management Plan for all works of construction shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of the location of the site compound and details of deliveries (including storage arrangements and timings), contractor parking, traffic management for vehicles associated with the construction and demolition works. The Management Plan shall also comply with the guidance contained in the Council's Code of Construction Site Noise practice note and the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To ensure the safe operation of the highway and protect the amenities of the occupants of nearby properties in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan.

7 Construction Environmental Management Plan

No works (including demolition, groundworks, vegetation and site clearance) shall take place within the site until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include a plan showing biodiversity protection zones; practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements, to include a method statement for prevention of harm to reptiles); identification of responsible persons and lines of communication; the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To prevent ecological harm during construction in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

8 Reserved Matters Design Guide

Prior to the submission of any reserved matters application for that part of the approved in outline a detailed Design Guide (in general accordance with the Design Guide Rev. A

dated March 2017) shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out design requirements and guidance to specify and inform reserved matters in respect of the appearance and landscaping including:

- detailed building layout
- elevations
- roof form
- materials
- hard and soft landscaping
- detailed pedestrian and vehicular routes and site servicing

The reserved matters application shall include a Design Statement setting out how the proposals comply with the approved Design Guide and the outline planning permission.

Reason: In the interests of the appearance of the development and the character and appearance of the area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

9 Materials Samples/Panel

No construction of the external walls of the development approved (a) in detail or (b) as reserved matters under Condition 2 shall commence until a schedule of materials and finishes, and samples of the materials (including glazing) to be used in the construction of the external surfaces of the buildings including roofs have been submitted to and approved in writing by the Local Planning Authority.

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the character and appearance of the area.

10 Landscaping Details

(a) No part of the hard landscaping shall commence until a schedule and samples of hard landscape materials for that part of the site have been first submitted to and approved in writing by the Local Planning Authority. The details shall include all walls, fences and other boundary treatments and finished ground levels; details of the surface treatment of the open parts of the site; and a programme of implementation.

(b) No part of the soft landscaping shall commence until details of the soft landscape scheme for that part of the site has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all trees, hedgerows and other planting which are to be retained; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan

11 Landscaping Implementation

All hard and soft landscape works shall be carried out in accordance with the approved details. The landscape works for each part of the site approved under Condition 11 shall be carried out prior to the occupation of that part of site or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the scheme being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan

12 Archaeology WSI

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

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

13 Archaeological Field Evaluation

No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains.

14 Post-Excavation Reporting

The relevant part of the development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation archaeological analysis in respect of that part of the site 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 may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

15 Remediation Strategy

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

16 Remediation Scheme

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

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

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

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

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

17 Verification Report

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

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

18 Unexpected Contamination

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

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

19 Flood Risk Mitigation

The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Buro Happold dated 30 September 2016 Revision 03 and the following mitigation measures detailed within the FRA:

Construction is to be carried out as per the phasing plan and in particular the following measures must be in place before occupation of any building on site:

- o Raise existing walls and build new flood defence walls on the South bank of the river Avon, forming a continuous flood defence line.
- o Resilience measures to existing buildings on the South bank of the river.
- o Flap valves to be installed on all surface water outfalls in the river.
- o Conveyance strip on the North bank of the river.

- o New flood defence wall on the Bath Quays South site to a level of 20.25m AOD.
- o Construction of the conveyance strip on the South bank of the river. Including a 2m access strip and occasional access platforms.
- o Bridge abutments and flood wall forming part of the adjacent bridge development.
- o Cut off wall below the flood defence wall acting as a barrier to groundwater.

Only less vulnerable development is to be located on the lower ground floor and ground floor. All residential development must be located above the 1 in 100 year plus 20% climate change level with at least a 400mm freeboard (20.25m AOD). In particular:

- o Finished floor levels of the basement car park and storage areas are set no lower than 17.65m above Ordnance Datum (AOD).
- o Finished floor levels of the offices are set no lower than 18.65m above Ordnance Datum (AOD).
- o Finished floor levels of the residential units are set no lower than 21.35m above Ordnance Datum (AOD).

All below ground structures must be made watertight and capable of withstanding groundwater uplift pressures.

Flood resilience measures listed on page 37 of the FRA should be incorporated into the development. In particular sump pumps in the lower ground floor car park, drainage at the top of the car park and raising electrical equipment above the flood level (20.25mAOD) or making it waterproof.

The above measures shall be maintained for the lifetime of the development unless alternative measures are submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.

Reason: To reduce flood risk to the site and future occupants.

20 Temporary Flood Defences

No development hereby permitted shall commence until a scheme with details of temporary flood defences to be utilised during the construction phase has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.

Reason: To mitigate against any temporary increase in flood risk as a result of construction works on site.

21 Flood Warning Evacuation Plan

No occupation of any building shall commence until a Flood Warning Evacuation Plan for the building to be occupied has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to section 10 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Warning Evacuation Plan shall be implemented for the duration of the development.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with paragraph 17 and section 10 of the National Planning Policy Framework.

22 Flood Risk Mitigation Works (Completion)

Prior to occupation of any building on the site written evidence confirming that the offsite mitigation measures outlined in section 4.3 of the Flood Risk Assessment (FRA) by Buro Happold dated 30 September 2016 Revision 03 have been completed shall be submitted to and approved by the Local planning Authority.

Reason: In the interests of flood risk management

23 Land Use

The combined floor area of A1, A2, A3, D1 or D2 uses within the Newark Works buildings shall not exceed more than 10% of the total floorspace in those buildings and no retail (Class A1) floorspace individually and cumulatively shall exceed 280 sqm (gross external area).

Reason: To ensure the development is in compliance with Policy SB5 of the Placemaking Plan and the retail floorspace does not have a significant adverse impact on the vitality, viability and diversity of existing centres.

24 Retail (Hours of Use)

The retail floorspace (Use Classes A1, A2, A3) shall be open to customers only between the hours of 7.00am- 22.00pm Monday to Saturday and 8.00am-8.00pm on Sundays. No deliveries shall be taken at or dispatched and no delivery vehicles shall park within the application site outside these hours.

Reason: To protect the amenity of people living nearby.

25 Mechanical Ventilation

Prior to first occupation of the retail floorspace approved under this permission details of any plant and equipment including any air handling and refrigeration plant shall be submitted to and approved by the Local Planning Authority. Any plant or equipment approved shall be installed in accordance with the submitted details and any subsequent changes to the specification or additions to the approved plant and equipment shall be submitted to and approved by the Local Planning Authority prior to installation.

Reason: To protect the amenity of the locality, especially for people living above and adjacent to the shop.

26 Parking

The surface car parking on the site shall be retained for use only in association with the commercial uses on the site and shall not be used or let as parking for residential properties on or off the site.

Parking for residential properties on the site shall be at a maximum ratio of 1 space per 0.5 residential units. The residential parking spaces shall be used only in association with dwellings on the site.

Reason: To retain adequate off-street parking provision.

27 Landscape and Ecological Management Plan

No part of the development shall be occupied until a Landscape and Ecological Management Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall detail measures and specifications for habitat management and management of all planted areas, and provision of all other ecological features, monitoring and maintenance and shall include long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas.

Reason: To protect wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site, particularly with regard to riparian habitat.

28 Lighting

No building shall be occupied until the mitigation measures for that building set out in Illumination Impact Profile -Bath Quays South (Office and Residential Developments) 16-02433-090317-CC-Bath Quays South IIP-01 -P3 MARCH 2017 have been implemented in full and shall remain for the duration of the development.

Reason: In the interest of protecting light sensitive species in accordance with Policy CP6 of the Core Strategy and the Conservation of Species and Habitats Regulations 2010.

29 Lighting Monitoring Scheme

Prior to occupation of any building on the site a programme for monitoring of operational light spill levels to collect lux level data for two years from the date of first occupation at times when peak bat activity and light usage coincide, shall be submitted to and approved in writing by the LPA. The Light Spill Monitoring Programme shall provide data showing operational post-occupancy light levels above and adjacent to the river Avon at heights and positions coincident with the light spill levels predicted in the approved Illumination Impact Profile -Bath Quays South (Office and Residential developments) - 16-02433-090317-cc-Bath Quay South IIP-01-P3 March 2017. The Light Spill Monitoring Programme shall include proposed reporting dates to the Local Planning Authority and specify timescales and frequency of monitoring. In the event that operational light spill levels exceed the predicted light spill levels a scheme of further mitigation and remedial action shall be submitted to the Local Planning Authority in accordance with the agreed programme. Any necessary remedial action or further mitigation required shall be implemented in accordance with specifications and timescales to be agreed in writing with the Local Planning Authority and a further light spill monitoring report shall be produced and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any necessary further mitigation. The Programme for Monitoring of Operational Lighting Spill Levels shall thereafter be implemented in accordance with the approved details.

Reason: To avoid unacceptable light spill from the development and to avoid harm to wildlife and bats which are protected species

30 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of an Ecology Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) A timetable of delivery to show provision of the otter holt and habitat enhancements prior to demolition of the existing resting site;

- (ii) Details of habitat replacement and enhancement;
- (iii) Proposed conservation management objectives for the otter holt site, replacement habitat and enhanced habitat and prescriptions and timescale for their on-going management;

All works within the scheme shall be carried out in accordance with the approved details and prior to the approved bridge being opened to the public.

Reason: To safeguard local species and their habitats in accordance with policy NE.9 and NE.10 of the Bath and North East Somerset Local Plan and policy NE3 of the emerging Placemaking Plan. This must be done prior to development as any works have the potential to harm wildlife.

31 Prior to occupation of any building on the site full construction details of off-site highway works shown on drawing IMA-16-117-16A and the regrading, paving, and street furniture to be provided within the site to the site boundary with Lower Bristol Road shall be submitted to and approved by the Local Planning Authority. The details shall include a safety audit of both the on and off-site highway works.

Reason: In the interests of road safety.

32 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.

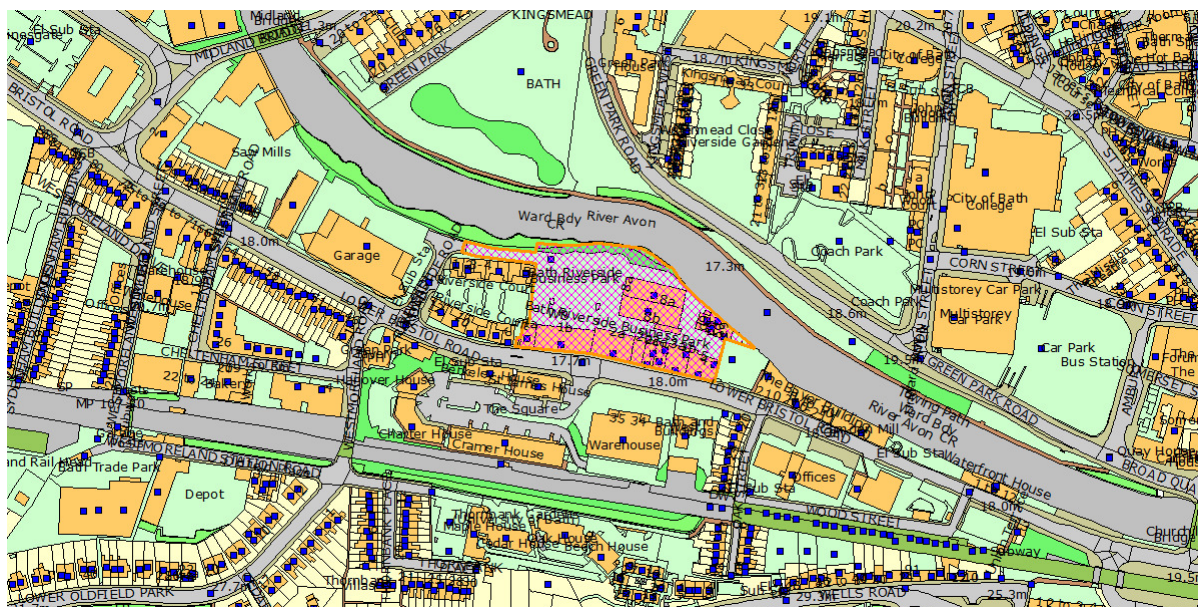
PLANS LIST:

678-PL-001, 678-PL-002A, 678-PL-003A, 678-PL-004A, 678-PL-005A, 678-PL-006A, 678-PL-007A, 678-PL-008A, 678-PL-009A, 678-PL-010A, 678-PL-011A, 678-PL-012A, 678-PL-013A, 678-PL-014A, 678-PL-100C, 678-PL-101C, 678-PL-110C, 678-PL-111C, 678-PL-120C, 678-PL-121C, 678-PL-122C, 678-PL-130C, 678-PL-131C, 678-PL-132C, 678-PL-133C, 678-PL-134C, 678-PL-136C, 678-PL-140C, 678-PL-141C, 678-PL-142C, 678-PL-150C, 678-PL-151C, 678-PL-152C, 678-PL-153C, 678-PL-154C, 678-PL-155C, 678-PL-160A, 678-PL-161A, 678-PL-170A, 678-PL-171A, 678-PL-172A, 678-PL-173A, 678-PL-174A, 678-PL-175A, 678-PL-180A, 678-PL-181A, 678-PL-200A, 678-PL-201C, 678-PL-202C, 678-PL-203B, 678-PL-204A, BQS463-GRA-X-XX-DR-L-1011, BQS463-GRA-X-XX-DR-L-2001, BQS463-GRA-X-XX-DR-L-3101, BQS463-GRA-X-XX-DR-L-5101, BQS463-GRA-X-XX-DR-L-1356, BQS463-GRA-X-XX-DR-L-1357, BQS463-GRA-X-XX-DR-L-1358, Plan 16-117-016A, Plan 16-117-109, Plan 16-117-015A

Full engineering details of the works in all the areas of the site to be adopted must be submitted to and approved by the Highway Authority in the context of the formal adoption process.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

Item No: 02
Application No: 16/04819/REG13
Site Location: Bath Quays South Development Site Riverside Business Park
 Westmoreland Bath



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker
Application Type: Regulation 13 Application
Proposal: Internal and external alterations to Newark Works (including West Machine Shop and Smithy) and demolition of Foundry and Boiler House.
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Article 4, Article 4, Bath Core Office Area, Bath Enterprise Area, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Contaminated Land, Flood Zone 2, Flood Zone 3, Forest of Avon, Sites with Planning Permission, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Bath And North East Somerset Council
Expiry Date: 30th January 2017
Case Officer: Gwilym Jones

REPORT

This application is for

(i) works to the Grade II listed and curtilage listed Newark Works buildings fronting the Lower Bristol Road comprising:

- general repair to the external fabric, replacement, alteration and introduction of door openings to the north (yard) elevation, re-cladding of the Smithy to the north and east (to

replace the modern asbestos roof coverings), addition of small skylights on the southern roof pitches of the East and West Machine Shops

- internal works comprising the removal and replacement of modern partitions, refurbishment of historic fabric like-for-like where required, provision of thermal insulation on the underside of the roof structures, new floorspace on free-standing structural elements, rationalisation and introduction of new circulation.

(ii) demolition of the curtilage listed Foundry Building and Boiler House.

The buildings fronting the Lower Bristol Road comprise the East Machine Shop, Offices and Smithy (Grade II listed) with an attached curtilage listed building (the West Machine Shop). The Foundry and Boiler House (with attached arches) are freestanding curtilage listed buildings to the north. In addition there are open areas of the site including the Foundry Yard, which historically included some buildings (now demolished), and there remain traces of the former industrial use of the site including railway tracks, turntables and cobbles. The site was developed by Stothert and Pitt as part of their industrial works in the city and occupied from the 19th century to 1989.

The application site is bounded to north by the River Avon, to the east by Maritime House/Bayer Building, to the south by Lower Bristol Road and to the west by Riverside Business Park. The application site is approximately 0.95 hectares in size.

The site is located within the City of Bath World Heritage Site. The site lies outside the Bath Conservation Area however the boundary of the conservation area immediately adjoins the site to the north, running along the southern bank of the Avon to Churchill Bridge, and then runs along the railway line to the south. The river corridor is designated a Site of Nature Conservation Importance (SNCI).

The site is within Flood Zone 3a and lies within the area the subject of the Bath Quays Waterside Flood Defence Project where planning permission has been granted for flood mitigation and defence works that form part of a wider comprehensive flood/public realm scheme in the city centre. Part of the approved works relate to the application site.

On the north side of the Avon is Green Park open space and the Bath Quays North site. To the east of the site are listed/curtilage listed former factory and mill buildings (Maritime House, Bayer Building and Camden Mill) and on the south side of Lower Bristol Road are a mix of modern office and storage use buildings. Beyond these at a higher level is the Bath-Bristol railway line. Oak Street on the south side of Lower Bristol Road is a terrace of Grade II listed residential buildings. Immediately to the west is Riverside Court (three storey modern office buildings) and beyond are a series of modern buildings used as car showrooms and builders merchants.

The majority of the application site is owned by Bath and North East Somerset Council and the applications have been submitted by the Council's Project Delivery team.

PLANNING HISTORY

The site has a long history of development and redevelopment when occupied by Stothert & Pitt as part of their extensive factory operations in the city up until it closed in 1989. Since then the site has been largely vacant or underused with some small-scale business uses occupying the site during the 1990s and early-mid 2000s. The site has been vacant since 2007.

06/02857/EOUT - application by the South West of England Regional Development Agency for the construction of two buildings between 3-6 storeys in height for educational purposes including a pedestrian and cycle bridge across the River Avon, a new access road from Lower Bristol Road, flood defence wall works, associated landscaping and public space. The application proposed the demolition of existing buildings on the site. The application was withdrawn in January 2007.

07/01034/EFUL - application for the Dyson School of Design Innovation comprising a new 4/5 storey building including partial demolition and alterations of the Newark Works buildings and a new pedestrian bridge. The application was recommended for refusal by Officers however Members resolved to grant planning permission. The Environment Agency objected to the application and it was "called-in" for determination by the Secretary of State. The application was withdrawn prior to a Public Inquiry taking place.

14/04195/EREG03 - planning permission granted for proposals including flood mitigation and defence works, forming part of a wider comprehensive flood/public realm scheme (the Bath Quays Waterside - Flood Defence Project). Part of the approved works relate to the Bath Quays South application site.

16/05348/REG03 and 16/05349/REG13 - planning permission and listed building consent granted for provision of new bridge crossing of the river Avon for pedestrian and cycle use, including demolition of existing building (Boiler House) and two associated arches, new public realm on the north and south river banks, landscaping, a new river wall and links to the existing highway network.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England - highlight the statutory duties placed on the Council when determining applications regarding the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Victorian Society - note the importance of site in Bath's industrial heritage and regret the demolition of the Foundry and Boiler House given their contribution to the understanding of the site. Accept the loss if this demonstrably required to facilitate the redevelopment of the Newark Works however the new blocks and landscaping are harmful to the setting of listed buildings and to Bath Conservation Area. The roof form is inappropriate and higher standards of design are needed given the World Heritage Site, conservation area and history of the site. The loss of the wharf and replacement with soft landscaping is inappropriate.

Council for British Archaeology - the demolition of the curtilage listed Foundry and Boiler House would reduce the legibility of the site as an industrial complex and sever the Machine Shops, Offices and Smithy from its industrial context. This would result in harm to the significance of the Grade II listed Newark Works. This harm should be weighed against the public benefits of the proposals including securing its optimum viable use. The CBA recommends that historic features onto the new development as a means of achieving a more robust approach to preserving the special character of this site.

Bath Preservation Trust - have sought assurance from the Conservation Officer that the works to the existing listed building protect its special interest, and remove previous

harmful alterations. We support the retention and repair of the original windows. We consider that metal cladding would be appropriate in this location, as this has an association to the former uses of the site and its industrial nature, and would help strengthen local distinctiveness. In this location, perhaps Cor-ten steel, could be considered for parts of the development to provide a link back to the former engineering site and its use of metal, the foundry, machine works, and thereby reinforce its industrial character. Concern about the impact on local townscape character and a degree of heritage harm to the World Heritage Site and the setting of the Newark Works listed building and Conservation Area caused by the bulk of new buildings and others of large scale which have been permitted in the valley floor. Given the loss of the Foundry Building, there should be a determined effort to ensure that what goes in its place, across the site, echoes and respects the heritage and contextual spirit of the place, its setting, the quality of place and that the positive impact of the new buildings outweighs the heritage harm.

Bath Heritage Watchdog - supportive in principle of the retention of the Newark Works and its re-use but object to elements of the proposals. Concerned that the buildings have been allowed to deteriorate to justify the current proposals. Object to the material proposed for the re-cladding of the Smithy. Concern over the mount of alterations and loss of historic fabric to the rear elevation by the addition of doors/screens. Object to the scale, massing design of the new buildings and impact on the setting of Newark Works. Object to the demolition of the Foundry and Boiler House on the grounds of lack of justification and public benefits (public realm works) do not outweigh the harm.

Save Britain's Heritage - object in the strongest terms to the demolition of the Foundry and Boiler House and build three large buildings in the area behind the listed Newark Works. the proposals (as revised) would be significantly out of scale both in terms of height and mass with the surrounding listed buildings, fail sympathetically to reflect or complement the local industrial vernacular, destroy the character of the site when viewed from the river and pose a threat to many views from within and outside the Bath World Heritage Site. They may also have the potential to harm the adjoining conservation area. They question whether enough has been done to find other viable uses of the heritage asset.

Widcombe Association - support the proposals for the redevelopment and regeneration of this long-neglected part of the city and the imaginative way in which it addresses the flood risk as well as the balance of mixed new employment spaces and small residential units.

2 letters of objection on the grounds that the significance of the setting of the principal listed building (including the former Foundry Yard as well as the building) has been underestimated; although a late 19th/early 20th century building the Foundry represents a significant phase in the history of Stothert and Pitt and the development of the site; the Foundry had an important functional relationship with other parts of the engineering complex; scenarios for the alternative re-use of the Foundry are not evident; the Foundry building contains interior features of interest; the quality of the new build and public spaces is questioned and it will not sit comfortably alongside the principal building and other heritage assets in the surrounding area causing significant harm to the setting of the listed principal building by virtue of being dominate and overpowering, not only when viewed from the surrounding area but whilst on the application site.

POLICIES/LEGISLATION

The primary consideration is the duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

From the historic environment aspect there is also a duty placed on the Council under Section 72 of the Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

Section 12 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. The Historic Environment Planning Practice Guide published jointly by CLG, DCMS, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and World Heritage Sites.

OFFICER ASSESSMENT

When considering whether to grant listed building consent for any works there is a statutory duty on the Council under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF requires that as part of decision-taking process local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and should avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The NPPF states that local planning authorities should conserve heritage assets in a manner appropriate to their significance and any harm or loss should require clear and convincing justification. In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and of the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset the greater the weight should be.

Newark Works

The Council's Conservation Officer strongly supports the restoration of Newark Works and considers its proposed use as creative workspace avoids over-restoration and potential harm to character.

Key works proposed which are all considered to preserve the listed building include:

- Removal of inappropriate modern partitions, ceilings and floors
- Sympathetic installation of new floors within existing spaces
- Retention in part of the triple height space in the west end machine hall
- External repairs to the roof, parapets, valley gutters, cast iron rainwater goods and brick and stone work
- Retention and repair of the majority of windows (mostly cast iron) and new cast iron windows to replace where beyond repair
- Reinstatement of the main office entrance to the former office building element
- Roof lights to the south elevation roof on the office building and smithy (at the east end)

- Paint removal from and repairs to brick and stone work
- Introduction of new glazed openings and reconfiguration of some existing on the rear (yard) elevation
- Use of metal ventilation cowls at high level
- Replacement of the unsightly modern cladding on the rear and end walls of the former smithy (east end) with a zinc clad elevation applying an industrial aesthetic
- Sensitively located lift and new staircase installations in the west machine hall

They advise that the proposed works do not raise any particular concerns, other than the need for more detailed information in some areas which can be controlled by condition. The plans indicate potential WC locations which will need to be individually agreed with future occupiers. An informative is recommended as a reminder that listed building consent may be required if it is proposed to alter the locations. The detailed treatment for the public realm and particularly the retention of the historically significant rail lines, turntable and surface materials should be covered by condition. Signage on the building will need to be of well-designed and sympathetic to character. Because there would be a number of businesses operating from the building it is suggested that a design code for signage should be prepared to ensure a consistent design approach of high quality.

Demolition of Boiler House and Foundry

The Boiler House, thought to have been constructed in the early 1900's, incorporates a section of the arches that historically formed part of the Smithy complex. The building is considered to be of limited architectural interest, with its importance derives from its association with the industrial processes that took place on the wider site when it was occupied by Stothert and Pitt. The Council's Conservation Officer considers that the Boiler House is of low significance and in a much altered condition. They raise no in-principle objection to its demolition.

The Foundry building dates from 1895 and whilst assessed to be of not great architectural merit it is a distinctive building with its two storey double pitched roof and twin gable ends visible in views from the north and east across the river. Whilst the equipment that was formerly within the building has been removed the building is intact and together with the buildings on the site and those to the east offers visual reminder of Bath's industrial past. The Foundry building has a historical functional relationship with the Newark Works buildings and is considered to be of moderate significance in heritage terms.

The Council's Conservation Officer considers that no convincing case has been made for the demolition of the Foundry building. They consider that the current illustrative design for replacement development on the site of these buildings causes harm to the setting of heritage assets, including Newark Works. As the application for the residential building (to be erected on the site of the Foundry and Boiler House) is in outline only they consider this does not provide reassurance that a replacement scheme of high quality design has been achieved at this stage to justify loss of the heritage asset. It is relevant to note that the illustrative scheme is not for determination and since the application was submitted the applicant has prepared and submitted a Design Guide to direct and inform the detailed design of the new buildings. This sets out design requirements in respect of topics such as detailed layout, elevational treatment, roofscape and materials and it is considered that these provide appropriate guidance to ensure the design is appropriate for and sympathetic to its site and context.

Setting of the Listed Building

The proposed new residential buildings on the site of the Foundry and Boiler House (and the proposed office building on the wider site) considered under Application 16/04818/ERE03 will impact on the setting of the listed Newark Works buildings. The buildings are of a significantly greater scale than the existing buildings (to be retained and demolished) and also have a different footprint, massing and roof form. With the loss of the Foundry and Boiler House and the construction of new buildings on the site of a significantly greater scale the setting of the Newark Works building will change fundamentally however the relationship will be experienced mainly from within the site. It is also relevant to note that the history of the site has been one of a continually changing collection of functional buildings constructed and replaced to meet the operational needs of the activities taking place there. This included substantial structures close to what is now the listed building until relatively recently.

PUBLIC BENEFITS OF THE DEVELOPMENT

The proposed development of the Bath Quays South site will deliver a number of public benefits that are a material consideration in the determination of the application to be weighed against the identified harm to heritage assets. The proposed development of the site will deliver the land use objectives set out in Policy SB5 of the Placemaking Plan, providing an employment-led mixed use development providing new business space and new homes. The proposals will secure the retention and refurbishment of the listed Newark Works. This building has been vacant for a number of years and is currently in poor state of repair. The current application provides an opportunity to bring an important heritage asset back into productive use.

PLANNING BALANCE

The various balancing exercises outlined above require the benefits of the scheme to be weighed against the harm, including the less than substantial harm to heritage assets arising from the proposed development.

Heritage Assets

Paragraph 134 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. The requirement to conduct this balancing exercise is also reflected within the wording of the emerging Placemaking Plan policy HE1. Guidance in the NPPG (Paragraph: 020 Reference ID: 18a-020-20140306) states that public benefits can be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

The public benefits of the proposed development are considered to be significant. These benefits are to be weighed against the less than substantial harm to the setting of the listed Newark Works and the demolition of the curtilage listed Foundry and Boiler House. The NPPF advises that great weight should be given to the conservation of a heritage asset and that the more important the asset the greater the weight should be. In this case it is considered that the considerable public benefits of the development outweigh the less than substantial harm to the heritage assets. It is therefore considered that the proposed

development complies with paragraph 134 of the NPPF and policy HE1 of the emerging Placemaking Plan.

OVERALL BALANCE AND CONCLUSION

The current application seeks to deliver the development requirements of Policy SB5 in the draft Placemaking Plan and to achieve these balanced with other design, heritage, nature conservation, housing, transport, infrastructure and sustainability policies in the Core Strategy and Placemaking Plan. The development will provide new employment space to address both local supply issues and to support key sectors in the local economy. These are significant benefits arising from the development.

The detailed proposals for Newark Works are sympathetic to surviving historic fabric and will result in substantial improvements to the listed building, preserving features of special architectural or historic interest which it possesses. However there is harm through the loss of the curtilage listed buildings and to the setting of the listed building. This harm is considered to be less than substantial and is outweighed by the public benefits arising from the development.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Further details (Bespoke Trigger)

None of the works to the listed building shall start on the following items until full details of them are submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details:

- New and replacement windows and doors, including roof lights
- Ventilation louvres, grills and cowls
- Balustrades to the void spaces

Reason: To safeguard the historic fabric, character and appearance of the listed building.

3 Stone and brickwork cleaning and repair (Bespoke Trigger)

None of the works on the paint removal or any brick or stone work repairs shall start until a method statement for such works is submitted to and approved in writing by the Local Planning Authority, including preparation of any sample panels and submission of drawings if required. The works thereafter shall be carried out in accordance with the approved method statement.

Reason: To safeguard the historic fabric, character and appearance of the listed building.

4 Signage (Bespoke Trigger)

Prior to occupation of any part of the building a Signage Design Code shall be submitted to and approved in writing by the Local Planning Authority and any signage applied for thereafter shall be carried out in accordance with the Code.

Reason: To safeguard the character and appearance of the listed building

5 External lighting and signage (Bespoke Trigger)

No external lighting or signage shall be installed until full details of them are submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and any other consent required.

Reason: To safeguard the character and appearance of the listed building.

6 Public realm floor-scape (Bespoke Trigger)

Prior to installation of any new surfaces in the public realm full design details of the works including the retention of the historic floor-scape features including the rail lines and turntable shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with approved details.

Reason: To safeguard the character, appearance and setting of the listed building.

7 Demolition Works

No works of demolition of part or all of Building 6 (Boiler House) or Building 8 (Foundry) shown on Drawing 678-PL-010A (Demolition Plan) including preliminary strip out works shall commence until:

(a) Evidence has been submitted to the Local Planning Authority that a valid contract has been let for the construction of the office building approved under application ref. 16/04818/ERE03 and

(b) A temporary landscape scheme for the treatment of the site or building(s) affected by the demolition works including a programme for carrying out such treatment has been submitted to and approved by the Local planning Authority.

Reason: To safeguard the heritage assets of the site until a scheme for the comprehensive development of the site is to be implemented in accordance with Policy BH.3 of the Bath and North East Somerset Local Plan.

8 Works to Newark Works

No works shall commence on construction of the office building approved under application ref. 16/048128/ERE03 until evidence has been submitted to the Local Planning Authority that a valid contract has been let for the repair, alteration, rebuilding and refurbishment works to the Newark Works building (including the East and West Machine Shops and Smithy) as set out in the Schedule of Repairs to Newark Works (Design and Access Statement Appendix D).

Reason: To safeguard the heritage assets of the site and to ensure the comprehensive development of the site in accordance with Policy BH2 of the Bath and North East Somerset Local Plan.

9 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.

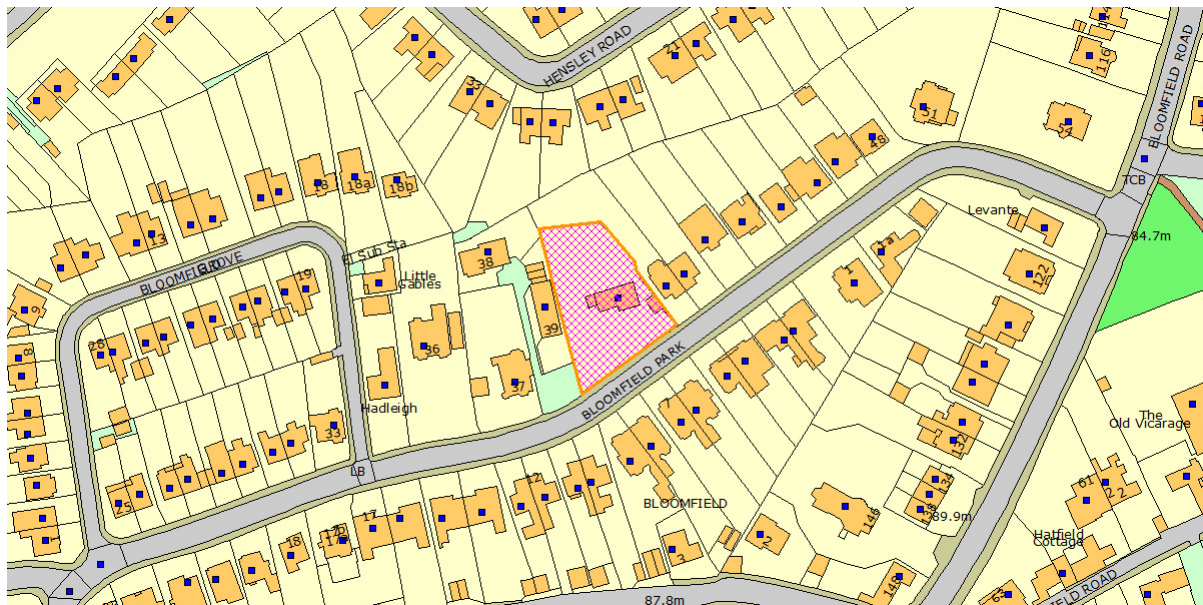
PLANS LIST:

678-PL-001, 678-PL-003A, 678-PL-004A, 678-PL-005A, 678-PL-006A, 678-PL-007A, 678-PL-008A, 678-PL-009A, 678-PL-010A, 678-PL-011A, 678-PL-012A, 678-PL-013A, 678-PL-014A, 678-PL-160A, 678-PL-161A, 678-PL-170A, 678-PL-171A, 678-PL-172A, 678-PL-173A, 678-PL-174A, 678-PL-175A, 678-PL-180A, 678-PL-181A

If any future occupants of the building should propose toilet facilities in alternative locations this may require listed building consent.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

Item No: 03
Application No: 16/05772/FUL
Site Location: 40 Bloomfield Park Bloomfield Bath Bath And North East Somerset BA2 2BX



Ward: Lyncombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Michael Norton Councillor Mark Shelford
Application Type: Full Application
Proposal: Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission)

Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Juniper Homes (South West) Limited
Expiry Date:	20th January 2017
Case Officer:	Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING TO COMMITTEE

Cllr. Mark Shelford has requested that the application be determined by committee if the officer is minded to approve. Cllr. Shelford's comments are summarised in the representations and consultations section below.

In accordance with the scheme of delegation, the application has been referred to the chair of the Development Management Committee who has decided that the application should be determined by committee.

DESCRIPTION

The application site lies in a mainly residential area and comprises a detached two storey house with stone elevations. The site frontage is relatively large and there is a belt of mature trees between the house and the road of Bloomfield Park from where access is obtained to a single detached garage. There are other mature trees around the site which lies in the Bath Conservation Area and World Heritage Site. The trees on site are not covered by a Tree Preservation Order but are protected by their location in the Conservation Area. The land slopes gradually away from the road down to the north.

The proposal is to demolish the existing house and erect a new building with four levels of accommodation containing 8 apartments and a 'lower ground floor' area of parking which would be partly located within the base of the building and party under a raised terrace. The application is a resubmission of the previously refused application 15/04347/FUL.

The proposed development falls within schedule 2 of the EIA regulations and is identified as being within a sensitive area (World Heritage Site). The application has therefore been screened in accordance with the EIA regulations. It has been determined that the proposed development is not EIA development and that an Environment Statement is not required to accompany the application.

RELEVANT PLANNING HISTORY

Planning reference: 15/04347/FUL

Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage.

Application status - Refused - 25th May 2016

Appeal status - Dismissed - 22nd December 2016

Inspector's comments: *The siting and scale of the proposed building would have a direct affect and also be likely to have a subsequent indirect effect, on the retention of the*

existing trees on the site. These trees contribute to the attractive character and appearance of the Bloomfield Park part of the Conservation Area and their loss or substantial change would materially harm and would not preserve or enhance the character and appearance of this sensitive area. The statutory test is therefore not met and the proposal would not accord with saved policies BH6 or NE4.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below.

ARBORICULTURE: No objection, subject to conditions.

The building footprint has been moved to the north and beyond the root protection area for T8 which has been shown as a uniform circle with a radius of 12.12m on the submitted Tree Protection Plan.

The proposed Tree Protection Plan indicates that ground protection would be necessary within a small area of the root protection area of T8 and that no dig construction methods would be necessary during construction of a footpath. These issues can be incorporated within a detailed arboricultural method statement which can be conditioned.

CONTAMINATED LAND: No objection, subject to condition

ECOLOGY: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to condition

ARCHAEOLOGY: No objection.

HIGHWAYS OFFICER: No objection, subject to conditions

COUNCILLOR MARK SHELFORD: Continues to object to this application on the grounds of:

- Overdevelopment in the area;
- Adversely affecting the nearby properties;
- Environmental-trees; and,
- Overpopulation of cars potentially an extra 16

THIRD PARTIES/NEIGHBOURS: 58 letters of objection have been received. The main issues raised were:

Inadequate/inaccurate information

Adverse amenity impacts for future occupiers of the flats

Inadequate daylight provided for the proposed flats

Entrance gateway is 6m in width and is incongruous and will have an adverse visual affect

Inadequate provision for the storage and disposal of rubbish

Highways safety issues / poor vehicle tracking

Site is situated on a blind corner and a narrow road

Overbearing impact upon no. 39 and no. 41

Loss of daylight to no. 39 and no. 41

Overlooking into the garden no. 41 from the raised terrace

The level of the terrace is unclear and may be more harmful than appears
 Overdevelopment
 Design is not in keeping with the area
 Does not respond to context of siting, spacing or the plot
 It is higher than the surrounding buildings
 Tree damage is a significant concern
 There will still be pressure to remove trees in the future
 Moving it 3m rearwards worsens the impact, particularly on the neighbours
 There is a legal duty to have regard to the Conservation Area
 Does not follow the existing building line
 Noise generated by ramp to car park
 Adverse effect on wildlife in the garden (badgers, squirrels, deer and foxes)
 Loss of the Walnut tree
 Adverse effect on peace and tranquillity
 Noise from mechanical ventilation
 Heavily parked road / congestion
 Solar panels are ineffective due to the trees overshadowing
 Design does not preserve or enhance the area
 Inadequate provision of parking spaces
 Manoeuvrability in car park is limited
 Impact upon wildlife
 Impact of security lighting of the proposed flats
 Concern about flooding
 Contravene the Humans Rights Act
 Concerns about lack of adequate refuse storage
 Position of refuse storage is inaccessible
 Concern about pedestrian safety
 Density of development is excessive
 No demand for flats
 Concern about surface water flooding impact upon basement parking
 Insufficient parking
 Does not meet building regulations
 Proposed Solar panels would be in shade
 Building is too high at the rear
 Increased traffic generation
 Loss of garden space
 Concern about the ability to deliver the development

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 Council's Development Plan now comprises:

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)*
- o Joint Waste Core Strategy

RELEVANT CORE STRATEGY POLICIES

DW1 District Wide Spatial Strategy
 B1 Bath Spatial Strategy

- B4 World Heritage Site
- CP2 Sustainable Construction
- CP6 Environmental Quality
- SD1 Presumption in favour of Sustainable Development

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy

RELEVANT LOCAL PLAN POLICIES

- D.2 General Design and public realm considerations
- D.4 Townscape considerations
- BH.6 Development within or affecting Conservation Areas
- BH.7 Demolition in a Conservation Area
- BH.12 Important archaeological remains
- BH.22 External lighting
- NE.4 Trees and Woodland
- NE.9 Locally important wildlife sites
- NE.11 Nationally important species and habitats
- NE.12 Locally important species and habitats
- ES.5 Foul and surface water drainage
- ES.9 Pollution and nuisance
- ES.12 Noise and vibration
- ES.15 Contaminated Land
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision

PLACEMAKING PLAN

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

- SU1 Sustainable Drainage
- SCR5 Water Efficiency
- D1 Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and spaces
- D5 Building Design
- D6 Amenity
- NE4 Ecosystem services
- NE5 Ecological networks
- NE6 Trees and woodland conservation
- PCS1 Pollution and nuisance
- PSC5 Contamination
- PCS7A Foul sewage infrastructure
- H7 Housing accessibility
- LCR7 Broadband
- ST1 Promoting sustainable travel

The following policies, as modified by the Inspector, have significant weight:

HE1 Historic Environment
D8 Lighting
PCS2 Noise and vibration
NE3 Sites, species and habitats
ST7 Transport requirements for managing development

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Background
2. Principle of development
3. Character and appearance
4. Residential amenity
5. Trees and woodland
6. Ecology
7. Highways safety and parking
8. Archaeology
9. Drainage and flood risk
10. Community Infrastructure Levy and New Homes Bonus
11. Other matters
12. Conclusions

1. BACKGROUND

This application is a revised resubmission of application 15/04347/FUL which was refused in May 2016 and then dismissed at appeal in December 2016. The Inspector's decision letter (ref: 3153519) is a material consideration which has a significant bearing on the consideration of this current application.

The previous application was refused because the proposed building would adversely affect the health and longevity of the mature tree belt to the front of the property and, as a result, would be detrimental to the character and appearance of the Conservation Area.

The Inspector upheld this reason for refusal in dismissing the appeal.

The revised proposal positions the proposed building 3 metre further towards the rear of the site, outside of the root protection zone of the Beech Tree (T8), in an effort to address this reason for refusal. The effect of this change will be discussed in the sections below.

The Inspector's decision letter also provides commentary on a range of other relevant issues relating to the proposal which will be examined out in the sections below.

2. PRINCIPLE OF DEVELOPMENT

The site lies within the built up area of Bath where the principle of new residential development is acceptable in accordance with policy B1 of the Core Strategy.

The proposal involves the demolition of the existing dwelling on the site. Policy BH.7 of the Local Plan states that the demolition of buildings which make a positive contribution towards the special character and appearance of the Conservation area will only be permitted subject to a number of criteria.

The existing building, although not unattractive, is constructed from reconstituted bath stone and its form and design is not in keeping with the predominant character of Victoria/Georgian villas in the area. The building is not prominent in the street scene and is largely screened by the mature trees along the front boundary of the site. It is therefore considered to only make neutral contribution towards the special character of the Conservation Area.

The previous appeal Inspector drew a similar conclusion:

In my view despite the stone elevations of the existing house it is clearly of a more contemporary design than the original properties along Broomfield Park and the building does not contribute to the character of the Conservation Area in a positive way. Rather, it has a neutral effect and therefore there is not an objection in principle to its demolition provided that the details of any scheme for replacement development meet the statutory test set out in section 72 of the Act. (Paragraph 14)

The demolition of the existing building, provided its replacement is of sufficient quality, is therefore acceptable in accordance with policy BH.7 of the Local Plan.

2. CHARACTER AND APPEARANCE

The existing site is occupied by a detached two storey 20th century house, set within a relatively large garden. There is a significant belt of mature trees and hedge to the front of the plot. These substantially screen the front of the house and make a positive contribution to the character of the street. Mature trees also contribute to the character of the rear garden.

The surrounding neighbourhood has a residential character of larger two/three storey villas set within larger plots with large rear gardens and garden space to the sides. There are also later inter-war semidetached houses and some garden infill bungalows. The west (lower) side of the road is more informal in built form and building lines.

The application site is significantly wider than many of the other plots within the street and is one of the largest single plots within the street. Even after taking into account the revised position of the current proposal, the proposed building is considered to be located centrally within the plot and covers a significant footprint. Despite being pushed further

back into the site, the building retains a good degree of spacing around it and sits comfortably within the plot.

The scale of the building is 4 storeys, with undercroft parking at the rear. This comprises 3 normal storeys with roof accommodation. The ground floor is set into the sloping site so that the overall ridge height of the proposed building is broadly similar to the adjacent property, 41 Bloomfield Park. The proposed building also includes a two storey side extension and a three storey element to the rear, comprising two normal storeys with roof accommodation. These additional elements add greater bulk to the proposed building, but do so in a manner which ensures that the overall massing is broken up and that there is sufficient articulation. It is therefore considered that the proposed development, although large and at the limits of what the site can accommodate, is not overdeveloped and will not appear cramped when viewed within the street scene.

The previous appeal Inspector also considered this aspect of the design and made the following conclusions:

In terms of the height of the building proposed, even with four levels of accommodation, the overall height of the building would be proportional to the adjacent original neighbouring buildings, as shown on the submitted street scene elevation, notwithstanding the more recent single storey 'infill' at No.39. I do not consider that the mass of building proposed would be over-bearing for the site, which appears wider than most others in the neighbourhood, nor would it appear 'squat' in the street scene as alleged by the Association. (Paragraph 15)

Concerns have been raised about the density of development. The proposal to replace a single dwelling with a block of 8 apartments will undoubtedly increase the density of development. However, the density of development is not so significantly greater than the surrounding area than to warrant an objection to the proposal on design grounds. Matters in relation to the highways, parking and other impacts of the proposed density are considered later in this report.

The previous appeal Inspector agreed with these conclusions stating that:

the development density proposed need not result in a form of inappropriate development when compared to the rest of the Conservation Area. (Paragraph 14)

The proposed replacement building attempts to adopt a character similar to the Victorian villas which dominate this part of Bloomfield Park. The front elevation incorporates a narrow, projecting gable and full height bay windows. The proposal incorporates a mixture of natural bath rubble stone and natural bath stone ashlar and timber windows which are considered appropriate and can achieve a high quality finish. The roof materials are specified as double roman tiles which are not considered to be appropriate for this area. It is considered that slate would be a more appropriate roof covering for the proposed building and this has been agreed by the applicant. It is considered that appropriate materials and samples could be secured by condition.

The proposed building contains a large element of flat roof which is not a particularly strong characteristic of the immediately surrounding buildings in the area. However, it can be seen from aerial photography that there are a number of large detached buildings

within the wider area, including some along Bloomfield Park and a number along Bloomfield Road, which do contain areas of flat roof. The height of the building is such that the flat roof area will not be particularly visible in the street scene and in longer views from the south will not appear out of place with other flat roof elements in the area.

The proposed building lacks a main entrance on the front elevation and this does detract from the legibility of the overall design. However, due to the screening provided by the mature vegetation and trees along the front boundary of the site, this omission from the design will not be prominent within the street scene and will not detract from the overall design.

Comments have raised concern about the appearance of the east side elevation which does not contain any windows and therefore has a high solid-to-void ratio. However, although a large elevation, it is articulated into several parts and incorporates a number of blind windows to add interest to the elevation. This elevation will be visible in views approaching from the east, but will not be viewed front on and will be viewed in the context of the front elevation which contains a greater degree of interest. It is therefore considered that the east elevation does not detract from the overall design.

The proposal also includes an access ramp to the underground parking which runs along the eastern boundary of the site. The previous appeal Inspector expressed some concerns about the proposed access and entranceway stating the following:

I do have some concerns about the width and scale of the access and entranceway and its appearance in the street scene and a loss of enclosure...(Paragraph 16)

However, the Inspector went on to state:

I am satisfied that this element of the design is not fundamental and the impact of the work could reasonably be overcome by amendments and a different arrangement of materials and enclosure, and this change could be required by conditions. (Paragraph 16)

Following negotiations, the applicant has agreed to make a number of changes to the site access and entranceway. These include reducing the width of the access to 5m (as per the recommendation of the Highways Officer), specifying pavements as the surfacing material for initial part of the access and introducing stone piers to match the character and appearance of similar stone piers in Bloomfield Park.

These changes are considered to have addressed the Inspector's comments about the width and scale of the proposed access and have helped give it a softer, more suburban feel, in keeping with the surrounding area.

During the previous application, it was considered that the proposed building would preserve the character and appearance of the conservation area. The previous appeal Inspector went further than this and considered that:

Having regard to the design, height and massing of the proposed building, I am satisfied that the proposal would enhance the character and appearance of the area and would not be 'out of keeping' (Paragraph 14)

Given that the currently proposed design the same as that previously proposed, with the exception of the additional 3m set back from the street, it is considered that the Inspector's conclusion in respect of the design remain relevant and that the proposed building will enhance the character and appearance of the area.

4. RESIDENTIAL AMENITY

The application site has two immediately adjoining neighbours. To the east is 41 Bloomfield Park, which is a split level 4 storey dwelling. Immediately to the west of the site is 39 Bloomfield Park, which is a linear bungalow situated alongside the boundary behind the established building line.

This latest application has shifted the bulk of the building approximately 3m further rearward in the site, such that the main bulk of the building projects beyond the rear elevation of 41 Bloomfield Park by approximately 6.5m. However, at its closest point the main 4 storey element of the building (which includes the accommodation within the roof) is just less than 6m from the side boundary with 41 Bloomfield Park. The 3 storey rear element of the building is, at its closest point, approximately 6.5m from the side boundary with 41 Bloomfield Park. Although the proposed building is higher and has a greater mass than the existing dwelling, it is considered that this degree of separation prevents the proposed building from having any significant overbearing impact or any significant loss of light.

Concern has been raised about the impact upon the outlook from the rear garden of 41 Bloomfield Park. Although the proposed building will be visible, particularly the 3 storey rear element which projects further beyond the rear building line, the separation between proposed building and the boundary means that the effect upon the outlook from this garden will not significantly harm residential amenity.

The side element of the proposed building (which comprises a two storey and single storey element) is situated, at its closest point, approximately 5m from the boundary with 39 Bloomfield Park. 39 Bloomfield Park is unusual due to its linear form and position directly on the boundary of the application site. Windows in its west elevation look out over its own driveway and parking area. Windows in the east elevation generally look out directly onto the heavily vegetated boundary of the application site thereby limiting its outlook on this side.

However, there is a single kitchen window which currently looks out directly over the garden of the application site. Whilst the current submission projects approximately 3m further into the garden than the previously dismissed scheme, the main bulk of the proposed building is approximately 12m away from this window at its closest point.

The proposals also include a raised terrace at the rear of the proposed building. Due to the sloping nature of the site, the overall height of the terrace will increase as it moves further towards the rear of the site. The height of the terrace therefore varies between approximately 0.3m to 1.1m. The edge of this terrace will be approximately 3m from the window of 39 Bloomfield Park, but is relatively low compared to the height of the window, so will not appear overbearing.

Access to the northern, eastern and western edges of the proposed terrace is proposed to be restricted to prevent direct or harmful overlooking from the terrace into the adjoining window of 39 Bloomfield Park or the garden of 41 Bloomfield Park. This can be secured through the approval of the hard and soft landscaping works condition.

The nearest useable part of the terrace is 7.5m from the boundary with 41 Bloomfield Park, but at this point the terrace is relatively narrow and not particularly suited to sitting out or lingering. Views from the terrace will primarily be drawn towards the rear of the site and the longer views out to the north. Furthermore, the retained trees and replacement planting proposed along the eastern boundary will help to screen views of the neighbouring garden. The nearest useable part of the terrace from the side window of 39 Bloomfield Park is approximately 8m. Again, views from this area will primarily be towards the north and contribution of existing and replacement planting will provide a degree of screening for this window.

Concern has been raised about the potential noise impacts arising from vehicles using the access ramp to the underground parking. The narrow width of the access ramp will necessitate low speed manoeuvring by vehicles thereby lessen the noise impacts. Furthermore, ignition and start-up of vehicles will take place within the underground car park where noise impacts are more likely to be contained. The widened part of the access where cars can pass and may have to wait is on a more level part of the site and therefore won't necessitate significant revving in low gears.

Noise concerns about potential mechanical ventilation of the underground car park have also been raised. No details of the mechanical ventilation of the car park have been submitted. However, it is considered that this is a matter which could be reserved by condition to ensure that the specification of any mechanical ventilation is such that it does not affect the amenities of adjoining occupiers.

This is also a matter which the previous appeal Inspector considered and stated:

I am also satisfied that the lower level car park would not appear as an alien feature or that it has been shown that its use would give rise to material problems of noise. (Paragraph 15)

In light of the above, it is considered that the proposed dwelling will not significantly affect the amenities of any of the adjoining occupiers.

5. TREES AND WOODLAND

The previous application was refused and then dismissed at appeal due to the potential impact upon the tree belt at the front of the site.

The main change from the previous application is that the building footprint has been moved to the north and beyond the root protection area for T8 which has been shown as a uniform circle with a radius of 12.12m on the submitted Tree Protection Plan.

The proposed Tree Protection Plan indicates that ground protection would be necessary within a small area of the root protection area of T8 and that no dig construction methods would be necessary during construction of a footpath.

Furthermore, the proposals have resulted in a number of improvements in respect of the retained trees:

1. No excavations to construct the building are proposed within the root protection area as a result of moving the building;
2. The use of specific foundation construction methods to avoid excavation is no longer critical to the proposal;
3. The relocation of the building has increased the protected area around the frontage trees, securing a larger area of the shared rooting environment of the retained trees.
4. The increase in distance between the frontage trees and building will reduce pressure for tree pruning and tree removal which was an additional arboricultural concern in relation to the previous application.

The arboricultural officer has advised that the proposed changes overcome the previous arboricultural objection, subject to securing a detailed arboricultural method statement and tree protection plan as a planning condition.

In respect of the other trees on the site, the proposed development will necessitate the removal of 11 No. trees. 10 No. of these trees are classified a 'C' Category, 1 No. is classified as 'B' Category. Of the 'C' Category trees T15, T16 and T17 are visible from Bloomfield Park, but are generally poor specimens and their removal will not impact on the wider visual amenity of the street scene.

Trees T19, T20, G21 are specimens of elderly apple trees of little merit and cannot be seen from the street. Similarly, T22 (Silver Birch) and T23 (Beech), whilst contributing to the internal amenity of the site are not easily seen from the street.

T18 is a mature Walnut which currently makes a limited contribution to the wider visual amenity of the street, but has considerable merit within the rear garden of the property and can be seen easily from neighbouring properties. Its proximity, however, to the existing dwelling is less than 6m so diminishes justification for making a Tree Preservation Order. The retention of this tree cannot be achieved with the current proposed access to the under-croft parking.

The Council's Arboriculturalist has raised no objection to the loss of this tree provided that an extra heavy standard replacement specimen Walnut tree is incorporated into any proposed landscaping scheme. There is sufficient space on the site to achieve this and it is considered that replacement trees can be secured by a landscaping scheme condition.

In light of the above, it is considered that there is no arboricultural objection to the proposed development which complies with policy NE.4 of the Local Plan and policy NE6 of the emerging Placemaking Plan.

6. ECOLOGY

An ecological and protected species survey and assessment has been submitted and reviewed by the Council's Ecologist. No significant constraints are found, but recommendations are made covering a range of issues, which the Council's Ecologist recommends should be implemented. These can be secured by condition. Subject to the above, it is considered that the proposals will not harm biodiversity or ecology.

7. HIGHWAYS AND PARKING

The application proposal has been reviewed by the Highways Officer. The application is broadly similar to the previous application to which there was no highways objection. However, the proposed Lower Ground Floor containing the parking is smaller than previously proposed.

The Highways officer has visited the site and observed the local traffic conditions and considers that the proposed visibility splays are sufficient to provide safe access and egress from the site.

There are 8 parking spaces provided for the 8 proposed apartments equating to one parking space per 2 bedroom dwelling. This does not exceed the maximum parking standards set out in policy T.26 of the Local Plan and is considered appropriate by the Highways Officer.

The emerging Placemaking Plan policy ST7 suggest a minimum parking standard of 2 parking spaces per 2 bedroom dwelling and 0.2 of a parking space per dwelling for visitor spaces. This results in a total requirement of 17 parking spaces for the proposed development. Whilst the emerging policy ST7 has significant weight, it is not yet part of the adopted development plan, with which the development does comply, and, furthermore, the site has relatively good access to local bus routes and adequate cycle storage has been provided which further reduces the need for additional on-site parking.

The Highways officer has no objection to the proposals, subject to conditions, and it is considered that the proposals will not have a "severe" impact under the terms of paragraph 32 of the NPPF.

8. ARCHAEOLOGY

There are no known archaeological sites or monuments in the immediate vicinity that are likely to be affected by the proposed development. The Council's Archaeologist is therefore content that no further archaeological investigation or conditions are required.

9. FLOOD RISK AND SURFACE WATER DRAINAGE

The site falls within flood zone 1 which is considered to be at the lowest risk of flooding. The application indicates that the surface water will be dealt with through soakaways,

although the detail of this has not yet been provided. This can be secured by condition. The Drainage and Flood Risk team have reviewed the application and raised no objection to the proposals.

10. COMMUNITY INFRASTRUCTURE LEVY AND NEW HOMES BONUS

The proposed residential development will be charged at a CIL rate of £100 per square metre. This equates to a CIL liability of £82,300 based upon a net floor area of 823 square metres.

The proposed dwellings would be subject of the New Homes Bonus which would generate additional council tax receipts for the Local Authority.

11. OTHER MATTERS

A number of comments have been received about the failure of the proposed design to meet appropriate Building Regulations. However, these matters are controlled and considered under separate legislation (i.e. Building Regulations legislation).

A number of concerns have been raised about the accuracy of some of the drawings submitted. There are no obvious errors within the drawings submitted and the proposed drawings relate back to the topographical survey which has been submitted. The responsibility to construct the development in accordance with the approved drawings rests with the developer. Any deviation from the approved drawings would require a further consent or variation application which can be subject to the same levels of scrutiny as the current proposal.

A number of comments have raised the issue of human rights and the effect that the proposal will have upon the peaceful enjoyment of the adjoining properties. However, as discuss above, it is considered that the proposal will not have any significant impacts upon the amenities of adjoining occupiers and therefore will not have any detrimental impact upon the human rights of neighbours.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. The applicant has agreed to meet these standards and 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). The applicant has also agreed to incorporate these measures into the proposed scheme although no details have yet been provided. These matters can be secured by a relevant planning condition.

Policy H7 of the emerging Placemaking Plan requires that new developments meet certain accessibility standards for new homes. For market housing, this means dwellings should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M. This policy will be given

increasing weight and will be fully implemented once the Placemaking Plan has been formally adopted, but in this case, where the scheme has been within the planning system and developed over a long period of time, it is not considered reasonable to require total compliance with policy H7.

12. CONCLUSION

The proposed development has overcome the previous reasons for refusal outlined by the appeal Inspector. The changes to the proposed scheme will not have any significant impact upon the design of the proposed building or the residential amenities of adjoining occupiers.

The proposals accord with the rest of the above listed relevant policies of the Bath and North East Somerset Core Strategy, the Bath and North East Somerset Local Plan and the emerging Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

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

No development shall take place until a Detailed Arboricultural Method Statement consistent with the approved Tree Protection Plan (drawing 161122-40BP-TPP-LI dated November 2016) and following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with policy NE.4 of the Bath and North East Somerset Local Plan, CP7 of the Core Strategy and NE6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential

to harm retained trees. Therefore these details need to be agreed before work commences.

3 Materials - Submission of Schedule and Sample Panel (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes has been submitted to and approved in writing by the Local Planning Authority, and a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan, Policy CP6 of the Bath and North East Somerset Core Strategy and policies HE1, D2 and D5 of the Placemaking Plan.

4 Mechanical Ventilation (Bespoke Condition)

No mechanical ventilation of the lower ground floor car park shall be installed unless details of the mechanical ventilation to be used, including an acoustic assessment undertaken by a competent person to establish the effect of any noise generated upon the amenities of adjoining occupiers and recommendations for any required noise mitigation or attenuation, have been submitted to and approved in writing by the Local Planning Authority. The mechanical ventilation, and any noise mitigation or attenuation required, shall thereafter be installed in accordance with the approved details.

Reason: To prevent excessive noise and protect the residential amenity of adjoining occupiers in accordance with policy ES.12 of the Bath and North East Somerset Local Plan and policy PCS2 of the Placemaking Plan.

5 Refuse and bin storage (Pre-occupation)

Notwithstanding the submitted drawings, no occupation of the approved dwellings shall commence until details of the proposed refuse and bin storage have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and bin storage shall be provided in accordance with the approved details prior to the occupation of the approved dwellings.

Reason: To ensure the provision of adequate and safe refuse/bin storage which does not prejudice highways safety and preserves the character and appearance of the Conservation Area in accordance with policies BH.6 and T.24 of the Bath and North East Somerset Local Plan and policy HE1 and ST7 of the Placemaking Plan.

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

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East

Somerset Local Plan. To ensure that the approved method statement is complied with for the duration of the development.

7 Hard and Soft Landscaping (Pre-occupation)

No occupation of the approved dwellings shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan, Policy CP6 of the Bath and North East Somerset Core Strategy and policies HDE1 and HDE2 of the Chew Valley Neighbourhood Plan.

8 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

9 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan, , Policy CP6 of the Bath and North East Somerset Core Strategy and policies HDE1 and HDE2 of the Chew Valley Neighbourhood Plan.

10 Ecological recommendations (Compliance)

The development hereby permitted shall be carried out only in accordance with the recommendations as detailed in Section 4 of the approved report entitled "Ecological Appraisal and Bat Survey" by Crossman Associates dated December 2015 together with additional recommendations as applicable following any necessary future updates to this report.

Reason: To safeguard local species and their habitats in accordance with policy NE.9 and NE.10 of the Bath and North East Somerset Local Plan and policy NE3 of the Placemaking Plan.

11 Parking and Turning areas (Compliance)

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

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

12 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.

13 Contaminated Land - Unexpected Contamination (Compliance)

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

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

14 Plans List (Compliance)

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

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

PLANS LIST:

- 020 Existing Site Location Plan
- 021 Existing SE and SW Elevation Sheet 1
- 022 Existing NE and NW Elevations Sheet 2
- 023 Existing Streetscene
- 030A Proposed Site Plan
- 031A Proposed Floor Plans

032 Proposed SE and SW Elevations
033A Proposed NE and NW Sheet 2
034A Proposed Streetscene

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

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 a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. 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

INFORMATIVES

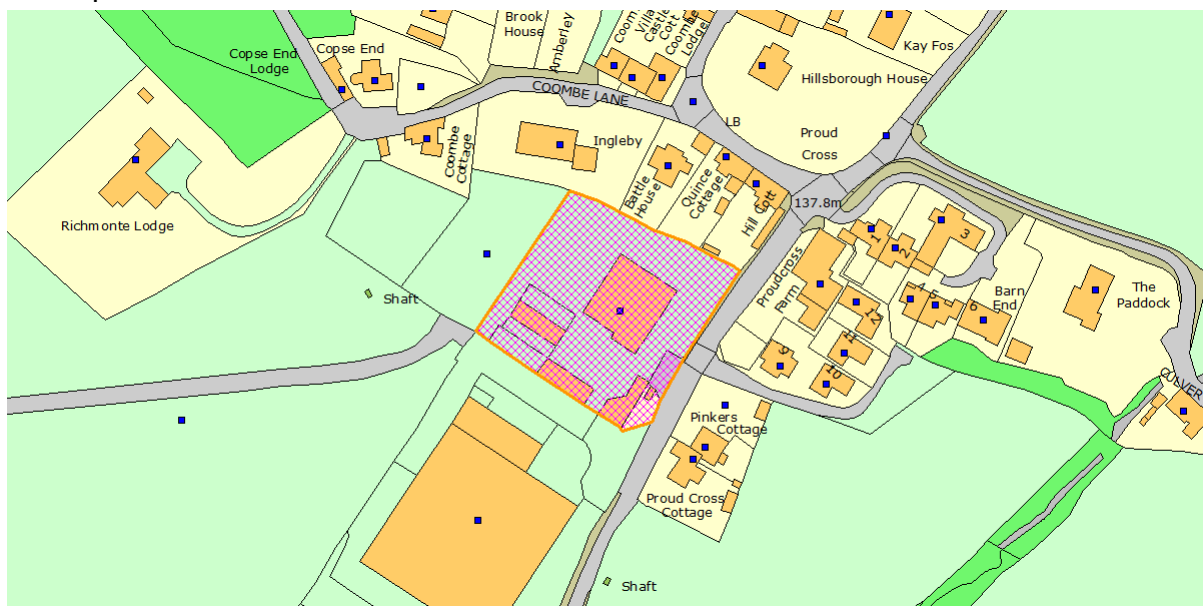
1. The applicant should be advised to contact the Highway Maintenance Team on 01225 94337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the

details of the access have been approved and constructed in accordance with the current Specification.

2. Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development.

3. It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. It is also advised that Building Control are consulted regarding the development.

Item No: 04
Application No: 16/04249/FUL
Site Location: Agricultural Haulage Building And Yard Pinkers Farm Middle Street East Harptree Bristol



Ward: Mendip
Ward Members: Councillor T Warren
Application Type: Full Application
Proposal: Demolition of Agricultural buildings and erection of 8no dwellings
Constraints: Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area,

Parish: East Harptree
LB Grade: N/A

	Housing Development Boundary, SSSI - Impact Risk Zones, Water Source Areas,
Applicant:	The Johnson Group
Expiry Date:	21st April 2017
Case Officer:	Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING TO COMMITTEE

Cllr. Tim Warren has requested that the application be determined by committee if the officer is minded to approve and East Harptree Parish Council have objected to the proposals. Their comments are summarised in the representations and consultations section below.

In accordance with the scheme of delegation, the application has been referred to the chair of the Development Management Committee who has decided that the application should be determined by committee.

DESCRIPTION

The application site relates to a parcel of land currently occupied by hardstandings and semi-derelict agricultural buildings, having the appearance of a farmyard. The site is located on the southern edge of the village beyond the Housing Development Boundary. The site is located within the Mendip Hills Area of Outstanding Natural Beauty (AONB) and adjoins the Conservation Area, forming the gateway to the village.

The site is located in Flood Zone 1 (with the lowest probability of flooding) but suffers from some documented flooding issue, arising from inadequate drainage. A drainage ditch from the fields to the south of the village flows into a culvert running along the north-western boundary of the site, then along an open drainage channel on the north-eastern boundary of the site before discharging into the highway drain on the eastern corner of the site. According to residents' comments, problems with this arrangement result in localised flooding affecting the site, the adjoining properties with waters discharging onto Middle Street itself.

The site is bounded to the north and east by houses, and to the south by a working farm, including a slurry pit approximately 11 metres to the south west of the site boundary. To the west of the site are residential gardens and the site fronts onto the main road through the village which provides access onto The Old Bristol Road (B3134) to the west. Middle Street, which links the site with the village centre, school and bus stop is not served by continuous pavements.

The applicants have described the site as an agricultural haulage yard, however officers have found no records to confirm that this was the authorised use and residents describe it as an agricultural contractor's yard.

The site has been allocated within the emerging Placemaking Plan for about 10 dwellings.

Full planning Permission is sought for the demolition of the existing agricultural buildings and the erection of 8no. dwellings, including the provision of 1 affordable dwelling.

The proposed development falls within schedule 2 of the EIA regulations and is identified as being within a sensitive area (AONB). The application has therefore been screened in accordance with the EIA regulations. It has been determined that the proposed development is not EIA development and that an Environment Statement is not required to accompany the application.

RELEVANT PLANNING HISTORY

Planning reference: 14/00883/OUT

Erection of 12no. houses (including 4no. affordable houses) with associated garages, parking and access (Outline application with all matters reserved)

Application status - Refused - 10th July 2014

Reason for refusal:

The application fails to demonstrate that the number of dwellings proposed could be accommodated within the site in a satisfactory manner. The indicative layout submitted suggests that the development would result in an inappropriate suburban development of excessive density which would unacceptably harm the setting of the Conservation Area and Area of Outstanding Natural Beauty, whilst failing to reinforce local distinctiveness. As such the proposed development would be contrary to policies D.2, D.4, NE.1 and BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, policy CP6 of the Bath and North East Somerset Draft Core Strategy and the Guidance set out in the National Planning Policy Framework and National Planning Practice Guidance.

Planning reference: 13/03415/OUT

Erection of 8no. houses and 4no. workshops and provision of a new access road (resubmission)

Application status - Withdrawn - 20th November 2013

Planning reference: 12/04534/OUT

Erection of 8no. houses and 4no. workshops and provision of a new access road.

Application status - Withdrawn - 14th February 2013

Planning reference: 99/03109/FUL

Redevelopment comprising nine houses and 5 business units (Use Class B1)

Application status - Withdrawn - 6th December 1999

Planning reference: 16/06045/FUL - Adjacent site, Pinkers Farm

Provision of a roof covering over an existing farmyard manure and slurry store

Applications status - Permit - 13th February 2017

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below.

EDUCATION SERVICES: No objection

CONTAMINATED LAND: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to condition

ENVIRONMENTAL PROTECTION: No objection, subject to condition

ECOLOGY: No objection, subject to conditions

HIGHWAYS OFFICER: No objection, subject to conditions

CONSERVATION OFFICER: Design is generally acceptable, but it is suggested that the quality of the joinery is refined to achieve;

- o Traditional balanced casements

- o Painted, not stained, timber

Sample panel of proposed walling should be secured by condition.

URBAN DESIGN: No objection, subject to conditions

HOUSING OFFICER: Objection

7 dwellings is an inefficient use of the site

Mix of dwellings is non-compliant with policy CP10

ARCHAEOLOGY: No objection, subject to conditions

EAST HARPTREE PARISH COUNCIL: Objection

Insufficient parking has been provided in accordance with the Chew Valley Neighbourhood Plan

On-street parking will cause congestion on Middle Street

The housing mix does not accord with the housing needs survey

Considerable surface water flood risk issues

No proposals to adequately deal with flood risk

Impacts on the foul sewer system which is near capacity

Concern about proximity of a slurry pit on the adjoining farm

The site is heavily contaminated

The site allocation in the PMP is subject to objections so can only be afforded limited weight.

Loss of farm facilities will result in a loss of potential rural employment

THIRD PARTIES/NEIGHBOURS: 24 letters of objection have been received. The main issues raised were:

Scale of development relative to the village
Loss of agricultural land
Poor public transport links
Intrudes onto skyline and harm to the AONB
Garages are unlikely to be used for parking
Plots 6 and 7 are inappropriately large
Poor narrow access along Middle Road
Increase in on-street parking
Highways safety
Concern about the state of the road
Flood risk on-site and off-site
Not a brownfield site and outside the HDB
Insufficient infrastructure (schools, doctors, telecommunications, public transport) to support development
Poor housing mix
Concern about impact on access to existing garages
Does not meet local housing need survey
Will result in out-commuting
Proximity to the adjacent slurry pit - odour concerns
Concern about construction traffic and disruption
Concerns about overlooking
Noise impacts from the adjacent farm
Lack of pavements for pedestrians
Potential prejudice of farming operations
Poor access for delivery vehicles
Proposals are not for affordable properties
Concerns about social balance
Unsustainable development
Concern about departure from development plan
Speculative development
Overdevelopment
Concern about damage liability from flooding
Who will be responsible for the maintenance of culverts
Houses are too large

1 letter of support has been received. The main issues raised were:
Nearby properties have not experienced any noise or unpleasant odours, only that expected of a rural environment
The site is in need of redevelopment
Development will enhance the village without losing any of its character

3 General comments were received. The main issues raised were:
Consideration should be given to residents' privacy
History of flooding on the street
Impact of additional vehicle parking should be minimised
Concern about precedent
Need for hard wearing materials

Privacy of adjoining residents needs to be considered
Concerns about flooding and water flows

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 Council's Development Plan now comprises:

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)*
- o Joint Waste Core Strategy

RELEVANT CORE STRATEGY POLICIES

DW1 District Wide Spatial Strategy
B1 Bath Spatial Strategy
RA2 Development in Villages outside the Green Belt not meeting Policy RA1 criteria
SD1 Presumption in favour of Sustainable Development
CP2 Sustainable Construction
CP5 Flood Risk Management
CP6 Environmental Quality
CP7 Green Infrastructure
CP9 Affordable Housing
CP10 Housing Mix
CP13 Infrastructure Provision

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy

RELEVANT LOCAL PLAN POLICIES

D.2 General Design and public realm considerations
D.4 Townscape considerations
ES.5 Foul and surface water drainage
ES.9 Pollution and nuisance
ES.12 Noise and vibration
ES.15 Contaminated Land
HG.10 Housing outside settlements
NE.1 Landscape character
NE.4 Trees and woodland conservation
NE.8 Nationally important species and habitats
NE.9 Locally important species and habitats
NE.12 Natural features: retention, new provision and management
NE.15 Character, amenity and wildlife value of water courses
BH.6 Development within or affecting Conservation Areas
BH.12 Important archaeological remains
BH.22 External lighting
T.1 Overarching access policy
T.24 General development control and access policy

CHEW VALLEY NEIGHBOURHOOD PLAN

The Chew Valley Neighbourhood Plan has been through examination and a community referendum and can now be given full weight in the planning process. It is anticipated that the Chew Valley Neighbourhood Plan will be formal 'made' on 12th April 2017. The following policies are of relevance to this application:

HDE1	Rural Landscape Character
HDE2	Settlement Build Character
HDE3	Important views
HDE5a	Housing - Mix
HDE5b	Housing - Affordable Allocation
HDE7	Traffic Impact
HDE8a	Parking - Domestic Dwellings
HDE8b	Parking - Domestic Dwellings
HDE9a	Sustainable Drainage
HDE9b	Sustainable Drainage
HDE12b	Tree and Ancient Hedgerow Conservation
HDE13	Green Corridors and Biodiversity
HDE15	Dark Skies Policy
BF7	Fibre to the premises

PLACEMAKING PLAN

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

SU1	Sustainable Drainage
SCR1	On-site renewable energy requirement
SCR5	Water Efficiency
D1	Urban Design Principles
D2	Local Character & Distinctiveness
D3	Urban Fabric
D4	Streets and spaces
D5	Building Design
D6	Amenity
D10	Public Realm
NE1	Development and Green Infrastructure
NE2	Conserving and enhancing the landscape and landscape character
NE4	Ecosystem services
NE5	Ecological networks
NE6	Trees and woodland conservation
PCS1	Pollution and nuisance
PSC5	Contamination
PCS7A	Foul sewage infrastructure
H7	Housing accessibility
LCR7	Broadband
ST1	Promoting sustainable travel

The following policies, as modified by the Inspector, have significant weight:

HE1 Historic Environment
D8 Lighting
PCS2 Noise and vibration
NE3 Sites, species and habitats
ST7 Transport requirements for managing development
SR5 Pinkers Farm

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Landscape, character and appearance
3. Heritage
4. Residential amenity
5. Ecology
6. Flood Risk and surface water drainage
7. Highways and parking
8. Archaeology
9. Contaminated Land
10. Housing mix
11. Affordable Housing
12. Community Infrastructure Levy
13. Other matters
12. Conclusion

1. PRINCIPLE OF DEVELOPMENT

East Harptree is an RA2 village as defined within the Core Strategy. Policy RA2 of the Core Strategy advises that the following

"In villages outside the Green Belt with a housing development boundary defined on the Proposals Map and not meeting the criteria of policy RA1 proposals for some limited residential development and employment development will be acceptable where:

- a. they are of a scale, character and appearance appropriate to the village*
- b. in the case of residential development they lie within the housing development boundary*
- c. in the case of employment development they lie within or adjoining the housing development boundary*

At the villages which meet the above criteria, residential development sites may also need to be identified in the Placemaking Plan and the housing development boundary reviewed accordingly to enable delivery of 1,120 dwellings identified on the Key Diagram. Limited residential development on sites adjoining the housing development boundary at these villages will be acceptable if identified in an adopted Neighbourhood Plan."

The emerging Placemaking Plan allocates the application site for a residential development of 'about 10 dwellings' under policy SR5. It is considered that the proposals for 8 residential dwellings comply with the allocation requirement for 'about 10' dwellings on this site.

The Placemaking Plan examining Inspector has proposed a modification to development requirements and design principles contained in Policy SR5. However, the only proposed modification relates to the deletion of design principle 2 for the reason that this was already superseded by design principle 3 and should have been deleted previously.

Given the advanced stage of the plan and its compliance with the NPPF, it is considered that allocation policy SR5 should be given significant weight.

Therefore, whilst the site does lie just outside of the housing development boundary and is therefore technically contrary to policy HG.10 of the Local Plan and RA1 of the Core Strategy, the development accords with the emerging Placemaking Plan allocation which can be given significant weight. On this basis, the development has been advertised as a departure from the development plan, but it is considered that the principle of residential development on this site is acceptable.

The Chew Valley Neighbourhood Plan does not contain any policies specifically allocating development sites in the area and does not contain any policies concerned with the principle of residential development within the locality. However, it does contain a range of housing policies setting out various criteria to be applied to proposals for residential development in the neighbourhood plan area. These are discussed in more detail below, where relevant.

2. LANDSCAPE, CHARACTER AND APPEARANCE

Policy NE.1 of the Local Plan, CP6 of the Core Strategy and NE2 of the emerging Placemaking Plan seek to ensure that development will conserve and enhance landscape character and local distinctiveness.

Policy HDE1 of the Chew Valley Neighbourhood Plan ("CVNP") requires development to conserve and not harm the characteristic rural features of the area.

Policy HDE2 of the CVNP requires development proposals to reflect, conserve and enhance the locally distinctive design attributes (including scale, materials and density) and the characteristics of the settlement provided in the accompanying character assessment summaries. This identifies a number of important characteristics including:

*Traditional building materials include the local stone (Dolomitic Conglomerate), usually randomly coursed; clay tiles, slates and natural timber
Generally no pavements*

Houses generally close to the road, with narrow plots and stone walls
Older dwellings bordering the lanes, usually in the form of terraces
Few gaps between buildings

The application site lies within the Mendip Hills Area of Outstanding Natural Beauty ("AONB") and is situated on a reasonably prominent site in the village. Policy NE.2 of the Local Plan does not permit development which would adversely affect the natural beauty of the landscape of the AONB.

The site also lies adjacent to the East Harptree Conservation Area and acts as an entrance to the village. Policy BH.6 of the Local Plan, CP6 of the Core Strategy and HE1 of the emerging Placemaking Plan require that development preserve and enhance the special character and appearance, including the setting, of Conservation Areas.

Policy SR5 of the emerging Placemaking Plan sets out the specific development and design principles (as modified by the Inspector) for this site including, inter alia:

Regard to site layout, building heights and soft landscaping, recognising the site as a sensitive gateway to East Harptree;

Development must not intrude on the skyline;

Building materials to reflect the local materials and style, with reference made to reinterpreting a farmhouse / farm buildings grouping;

Visual linkages to the wider countryside

The existing site does not make a positive visual contribution to the character and distinctiveness of the village due to the presence of the large, derelict agricultural sheds comprising a mixture of steel frame, concrete and corrugated metal sheeting. The site is also largely covered with hardstanding. Sensitive redevelopment of this site therefore has the potential to enhance the character of the site.

The application originally proposed 7 dwellings on the site. Comments from the Housing Officer indicate that they consider this to be inefficient use of the site. In response to these comments, the applicant amended the scheme to incorporate an additional dwelling, bring the total number up to 8. This is considered to broadly comply with the Placemaking Plan vision for the site as a 'fairly low density scheme on a rural village edge' and the first development requirement of 'about 10 dwellings'.

It is also material to note that the previous application for 12 dwellings (ref: 14/00883/OUT) was considered unacceptable because the application failed to demonstrate that the number of dwellings proposed could be accommodated within the site in a satisfactory manner and that it would result in an excessive density which would unacceptably harm the setting of the Conservation Area and Area of Outstanding Natural Beauty, whilst failing to reinforce local distinctiveness.

In this context, the proposed scheme for 8 dwellings is considered to strike the correct balance between utilising the site's potential as a housing site whilst respecting the low density character appropriate to this rural edge location.

The proposal presents a layout based on a courtyard design similar to a grouping of farm buildings, which broadly complies with the Placemaking Plan design principles and is supported in principle.

Plots 7 and 8 front closely onto Middle Street with a low stone boundary wall. This is considered to be in keeping with the characteristics of East Harptree as set out in the CVNP and accompanying character assessment, which includes buildings fronting directly onto the street and short or hidden front curtilages.

The proposed dwellings are two storeys, but with the first floors partially accommodated within the roof form. This means that the overall height of the buildings is kept down ensuring that there is a minimal impact upon the skyline and the AONB.

Furthermore, development is set in from the sensitive north-west and south-west boundaries with sufficient space to provide appropriate soft landscaping and boundary planting.

The proposed materials include a combination natural stone, timber, clay tiles and natural slate. These are characteristic of the area and identified in the CVNP and accompanying character assessment. The Urban Designer and the Conservation Officer are supportive of this approach, but require a sample panel of the proposed natural stone to be secured by condition as there are examples of attempts to combine grey conglomerate and red sandstone within the area which have not been entirely successful.

The proposed fenestration and joinery details are generally acceptable. However, the Conservation Officer has requested amendments to incorporate traditional balanced casements and painted instead of stained timber. These relatively minor matters can be secured by condition.

Concern was raised by the Urban Designer in respect of visual impact of the garage doors within the development which dominated the ground floor of the proposed courtyard. Following negotiations, the scheme has been revised such that all the garage doors have been removed and the garages have been turned into car ports. This has helped to address this issue and give the courtyard a more open feel which is less dominated by garage doors. A condition restricting PD rights for garage doors is considered reasonable and necessary to secure this element of the design in perpetuity.

Some small changes to the design are recommended by the Urban Designer, including the inclusion of gates for plots 1 and plot 8. There are also limited details for the proposed surfacing materials in the courtyard. These matters can be secured through the approval of the hard landscaping details which will be secured by condition.

In summary, it is considered that the proposal will conserve the landscape character and local distinctiveness of this part of East Harptree and will not adversely affect the natural beauty of the AONB. The scheme design is considered to broadly accord with the design principles set out in policy SR5 and is considered to reflect and respect the locally distinctive design attributes and characteristics of East Harptree. It is also considered to preserve the setting of the adjacent conservation area and will enhance the character of the site providing an attractive entrance to the village from the south.

3. RESIDENTIAL AMENITY

The site is surrounded on three sides by existing development. The north-east boundary is shared with 4 residential properties (Ingleby, Battle House, Quince Cottage and Hill Cottage). The south-east boundary addresses Middle Street and where there are a range of residential properties situated directly opposite (Proudcross Farm, The Henhouse, Pinkers Cottage and Proud Cross Cottage). To the south-west the site adjoins Pinkers Farm, a working farm which contains a large cattle shed, a slurry pit approximately 11 metres from the site boundary and a range of other agricultural buildings. A farm access track runs alongside the south-west boundary and separates the site from the adjacent buildings of Pinkers Farm.

The arrangement of the proposed dwellings with a courtyard style layout means that they are clustered fairly centrally on the site and situated away from the site boundaries (with the exception of plots 7 and 8 which front Middle Street). This separation combined with the relatively limited height and scale of the buildings (two storey with the first floor accommodation partially within the roof form) means that the proposed dwellings will not appear overbearing or result in any significant loss of outlook or light from the any of the adjoining properties.

The main windows within plots 7 and 8 face towards the properties opposite on Middle Street. Properties facing each other across a street is not an unusual relationship of built form and, given the design of the dwellings and the separation afforded by the public street, it is considered that there will be no significant overlooking towards properties on the other side of Middle Street.

Plot 7 is approximately 6.5m from the boundary with the adjoining property to the north-east, Hill Cottage, and does not contain any first floor windows within its side elevation. It is therefore considered that there will be no significant overlooking of Hill Cottage.

Plots 6 and 5 are situated between 12m and 15m from the boundary with the adjoining properties to the north, Battle House and Quince Cottage. The distance between the proposed dwellings and the rear of these adjoining dwellings is approximately 25m (Battle House) and 40m (Quince Cottage). This separation is considered sufficient to prevent any significant overlooking from occurring and is considered to preserve the residential amenity of these adjoining properties.

Plot 5 shares two boundaries with the adjoining property, Ingleby, the garden of which wraps around the northern corner of the site. Plot 5 does not directly face Ingleby, but distance between the first floor windows and the rear of Ingleby is approximately between 22m and 24m. The fact that no first floor windows directly face towards the rear of Ingleby combined with the level of separation means that there will be no significant overlooking or loss of privacy from Ingleby.

The first floor windows on the rear elevation of plot 5 are located 5m from the boundary with part of the rear garden of Ingleby and some views may be possible from these windows. However, one of these windows serves an en-suite and will be obscurely glazed, the other windows serve bedrooms and not the main living areas of the proposed

dwelling. Furthermore, the views obtained will only be of a small part of a relatively large garden. It is therefore considered that the proposed development will not result in any significant harm to the amenities of Ingleby.

Objections have been raised regarding the proximity of the proposed dwellings to a slurry pit, located in the adjacent farm to the south-west of the site. Similarly, concerns about noise impacts arising from the operations of the adjacent farm have been raised. The Environmental Health Officer has not objected to the application, and have commented that if complaints were to arise as a result of the slurry pit or farm activities, they could take action to improve the management of the farm and thereby combat nuisance noise or odours.

This has led to concerns that the proposed residential development could potentially prejudice the farm operations. However, the Environment Health Officer has advised that the aspects they take into consideration when making an investigation into a complaint about noise or odour are the characteristics of the area and the reasonableness of the issue. If the farm is managing noise and odour to the best of their ability and it is deemed as reasonable, there would be no grounds to take enforcement action under this legislation.

In this regard, the site is in a rural location there are already a number of residential properties located close to a working farm. To that end, there will be a degree of caveat emptor for any potential occupiers of the proposed dwellings.

It is also material to note that planning permission for a roof covering over the slurry pit has recently been granted (ref: 16/06045/FUL). Were this to be implemented, it would likely reduce any odour impacts arising from the slurry pit.

The Urban Designer has commented on the size of the gardens provided for plots 1 and 2. Whilst these gardens are relatively small when compared to the surrounding context of relatively large residential gardens, they are still large enough to provide a useful outdoor amenity space. Furthermore, given the location of the site on the edge of a rural settlement close to existing public rights of way, there is plenty of opportunity for potential occupiers to access and utilise outdoor space.

In light of the above, it is considered that the proposed development will not significantly harm the amenities of adjoining residential properties, will not prejudice the operation of the adjacent farm and will provide a suitable residential environment for potential occupiers.

4. ECOLOGY

Comprehensive up to date ecological and protected species survey and assessment have been submitted.

While there are no significant ecological constraints on the site, there are areas with habitat value, in particular the boundary hedgerows; some habitat with potential suitability for reptiles is also present. There is evidence of use of the site by a tawny owl in building 2

and there are anecdotal reports of barn owl visits to building 4 of the site, which will be demolished.

Following a request from the council's ecologist more detail is was provided regarding the use of the garage by bats and birds, including existing bat/bird access points, and proposed ecological mitigation.

The ecology report makes appropriate recommendations regarding retention and enhancement of features of value to wildlife, and protection of wildlife including the use of precautionary working methods to avoid harm to wildlife such as reptiles. The measures described in the report should be implemented and can be secured by condition.

The site is described as currently dark. Recommendations are made within the ecological report about sensitive lighting but no specific proposals are submitted regarding lighting. Details of external lighting can be secured by condition.

Subject to the relevant conditions, the Council's ecologist has no objection to the proposals and it is considered that they will not result in any net harm to biodiversity or ecology.

5. FLOOD RISK AND SURFACE WATER DRAINAGE

The site is located in Flood Zone 1 (with the lowest probability of flooding) but suffers from some documented flooding issues, arising from inadequate drainage. A drainage ditch from the fields to the south of the village flows into a culvert running along the north-western boundary of the site, then along an open drainage channel on the north-eastern boundary of the site before discharging into the highway drain on the eastern corner of the site. According to residents' comments, problems with this arrangement result in localised flooding affecting the site, the adjoining properties with waters discharging onto Middle Street itself.

The majority of the existing site is laid to hardstanding resulting in an impermeable area of approximately 0.35ha (roughly 90% of the site area). The proposed development will result in a reduction in the impermeable areas of the site to 0.18ha (49% reduction).

Concern has been expressed by local residents about the site flooding and discharging overflows onto Middle Street. However, the Flood Risk Assessment submitted with the application has indicated that the historical flooding issues related not to a deficiency in the system capacity, but to a maintenance issue on the culvert inlet screen resulting in it becoming blocked. The proposed development will enable an improvement to this arrangement and will provide an incentive for future maintenance of the drainage channel and features on the site.

The inlet to the culvert which runs along the north-west boundary of the site is located some 10m to the west of the application site and is outside of the applicant's control. If this culvert inlet was to become blocked or overflow, then overland flows would be generated which would route partially into the application site. Such flows would be intercepted by proposed swales on the north-western side of the site and directed into the channel drain to the north-east.

Some concern has also been raised about the potential for waste from the slurry pit located 11m from the south-west boundary of the site to be washed across the site in a flood event. However, there is an existing wall along the western boundary which will be replaced with a similar impermeable feature to prevent such an occurrence and to maintain the existing hydrological situation.

Having reviewed the application and the submitted information, the Council's Drainage and Flood Risk team have agreed to the proposed approach in principle and raise no objection, subject to conditions requiring the following:

- Submission of the detailed drainage design;
- Completion of on and off-site drainage works;
- Submission of an Operation and Maintenance manual for the drainage system;
- Submission of an Information pack for purchasers/residents to inform them of their responsibilities towards the operation and maintenance of the drainage system.

It is therefore considered that the proposed development will be safe and will not increase the flood risk elsewhere.

6. HIGHWAYS AND PARKING

The main courtyard of the proposed development would be accessed off Middle Street in a similar location to the existing site access. Additional driveway access will be provided to plot 7 directly onto Middle Street.

The Highways Officer has reviewed the application and is satisfied with the proposed access and layout arrangement.

In terms of parking, the proposal generates a need for 21 off-street parking spaces, plus an additional 4 visitor parking spaces against the parking requirements set out in policy HDE8b of the CVNP.

The proposal provides 28 off-street parking spaces in total including 16 off-street surface spaces and 12 spaces located within car ports. The proposal therefore meets the minimum standard set out in the CVNP and the emerging Placemaking Plan. Furthermore, the Highways Officer considers that the level of parking proposed is appropriate for this location and has raised no objection.

The Highways Officer has requested a contribution of £20,000 towards the provision of a virtual footway (i.e. painted pavement as opposed to a raised pavement) to connect the site to the village centre and improve pedestrian infrastructure for the village. Having reviewed this request and discussed the matter with the Highways Officer, it is considered that this contribution is not necessary to make the development acceptable in planning terms, i.e. the development would be safe with or without the virtual pavement. It would also not be proportionate to require the development to contribute towards the cost of the entire length of the virtual pavement all the way to the village centre. Such a contribution would therefore not meet the tests of section 122 of the CIL regulations.

Furthermore, it is considered that this part of East Harptree is characterised by a streets without pavements and without road markings. The introduction of a painted virtual pavement along one side of the street would have a detrimental impact upon this rural village character and would detract from the appearance of the Middle Street.

Although the applicant has indicated they would be able to bear this cost, it is considered, for the reasons given above, that the requested contribution of £20,000 towards a virtual pavement is not required and has therefore not been sought.

7. ARCHAEOLOGY

The proposed housing development site lies at the southern end of medieval settlement of East Harptree, which is thought to have been a planned medieval settlement associated with Keynsham Abbey, with houses and plots having been laid out on the three parallel streets of Church Street, Middle Street and Water Street. Its importance as a medieval settlement is reinforced by the remains of Richmond Castle at Harptree Combe 400m to the north-west.

The Council's archaeologist therefore recommends archaeological conditions requiring (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results.

8. CONTAMINATED LAND

Due to the sensitive nature of the development (i.e. residential dwellings) and the potentially contaminative historical use of the site as an agricultural farm and haulage use (which may have included storage of fuels and oils which may have incurred leaks and spills from vehicles and agricultural machinery, storage of chemicals such as pesticides and herbicides and the storage of tyres and scrap metal), the Contaminated Land Officer has recommended conditions requiring (1) an investigation and risk assessment, (2) a remediation scheme (if required), (3) a verification report (if required) and (4) reporting of any unexpected contamination.

9. HOUSING MIX

Policy CP10 of the Core Strategy requires that new housing development must provide for a variety of housing types and sizes to accommodate a range of different households, including families, single people and low income households. Policy HDE5a of the CVNP states that the housing mix of development should accord with the most recent Housing Needs Survey across the individual Parish or whole Plan area. The latest housing needs survey for the area demonstrates that there is a need for 2 and 3 bedroom dwellings in East Harptree.

The application has originally proposed contained 7 x 4 bedroom dwellings. The Housing Officer objected to the application on the basis that it did not provide a sufficient mix of housing.

Following negotiations, the application was amended and the housing mix changed to include the following:

2 x 2 bedroom dwellings
1 x 3 bedroom dwelling
5 x 4 bedroom dwellings

This represents a significant improvement in terms of the mix of housing offered and, importantly, includes the provision of 2 and 3 bed dwellings which are identified as being required within the latest housing needs survey. It is therefore considered that the mix of housing proposed is acceptable.

10. AFFORDABLE HOUSING

The proposed development will only generate 8 dwellings, but the overall floorspace is greater than 1,000 square metres (gross internal area). The development therefore triggers a requirement for the provision of affordable housing under policy CP9 of the Core Strategy. On the basis that this is a small site within the Chew Valley area, there is a policy requirement for a target level of 15% affordable housing. This equates to a need to provide 1 affordable home on the site.

The applicant has offered plot 1 (2 bedroom) as an affordable unit and this has been accepted by the Housing Officer. This will be offered as a discounted market sale property with the amount of discount to be agreed with Housing Services so to arrive at the amount of discount required to suit local incomes.

The proposal is therefore considered to comply with the requirements of policy CP9 of the Core Strategy and the provision of a single affordable unit can be seen as a benefit of the scheme.

11. COMMUNITY INFRASTRUCTURE LEVY AND NEW HOMES BONUS

The proposed residential development will be charged at a CIL rate of £100 per square metre. This equates to a CIL liability of £155,200 based upon a floor area of 1,552 square metres.

The proposed dwellings would be subject of the New Homes Bonus which would generate additional council tax receipts for the Local Authority.

12. OTHER MATTERS

The site does not comprise previously developed land in the terms defined in the NPPF (being associated with a former agricultural use). However, this does not alter the position in respect of the principle of residential development which accords with the emerging Placemaking Plan. However, there is potential for the proposed development to enable this derelict and untidy site to be tidied up.

There is a requirement within policy LCR7B of the emerging Placemaking Plan and policy BF7 of the CVNP for new residential developments to make provision for high speed internet connections. The applicant has submitted a 'Connectivity Statement' as required by policy BF7 of the CVNP and this states that the proposed development will make provision to connect to broadband. Provision will be made, as best as possible, to give each dwelling the potential connectivity to any possible super-fast broadband in the future.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. The applicant has agreed to meet these standards and this can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or another method of capturing rainwater for use by residents (e.g. water butts). The applicant has also agreed to incorporate these measures into the proposed scheme although no details have yet been provided. These matters can be secured by a relevant planning condition.

Policy SCR1 requires developments above 1,000 square metres to provide sufficient renewable energy generation to reduce carbon emissions from anticipated (regulated) energy use in the development by at least 10%. The proposed scheme has a floorspace of over 1,000 square metres and therefore must comply with this policy requirement. The applicant has agreed to incorporate these features into the proposals although not details have been provided. This matter can be secured by a relevant planning condition.

13. CONCLUSION

Whilst the site does lie just outside of the housing development boundary and is therefore technically contrary to policy HG.10 of the Local Plan and RA1 of the Core Strategy, the development accords with the emerging Placemaking Plan allocation which can be given significant weight. On this basis, the development has been advertised as a departure from the development plan, but it is considered that the principle of residential development on this site is acceptable.

The proposals accord with the rest of the above listed relevant policies of the Bath and North East Somerset Core Strategy, the Bath and North East Somerset Local Plan, the Chew Valley Neighbourhood Plan and the emerging Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 1.) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure:

a) 1no. on-site affordable housing unit

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

1 Standard Time Limit (Compliance)

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

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

2 Construction Management Plan (Pre-commencement)

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan and policy ST7 of the Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

3 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of an Ecology Management and Enhancement Scheme, to be in accordance with the ecological mitigation measures described in the approved Ecological Survey dated August 2016 by Clarkson and Woods, have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) proposed measures to protect wildlife and avoid ecological harm during site clearance and construction including fencing specifications and a plan showing exclusion zones for protection of retained habitats; findings of any necessary update surveys and pre-commencement protected species checks, and details of any further necessary measures arising to avoid harm to wildlife including reptiles and nesting birds

(ii) proposed measures to protect bats and birds and their roosts, roost access points and flight paths, and provide connective vegetated flight path habitats with associated dark corridors

(iii) specifications for all necessary measures to retain biodiversity value and provide biodiversity gain, to include provision of bird / bat / hedgehog boxes; provision of wildlife-friendly planting and compensatory habitat provision and native hedgerow planting within the landscape scheme, and incorporation of wildlife features within gardens and boundary vegetation; all specifications and details including numbers, positions and species, are to be incorporated into landscape scheme and planting plans

All works within the scheme shall be carried out in accordance with the approved details and timescales.

Reason: To safeguard local species and their habitats in accordance with policy NE.9 and NE.10 of the Bath and North East Somerset Local Plan and policy NE3 of the Placemaking Plan. This must be done prior to development as any works have the potential to harm wildlife.

4 Detailed drainage design (Pre-commencement)

No development shall commence, except for site clearance, investigation or remediation works, a detailed drainage design has been submitted to and approved in writing by the Local Planning Authority. The detailed design is to be based on the Site Specific Flood Risk Assessment (Callidus, January 2017) and is to include plans and calculations for the onsite drainage and offsite improvement works to the existing culvert crossing middle street. The development shall thereafter be undertaken in accordance with these approved details.

Reason: In the interests of flood risk management in accordance with policy ES.5 of the Bath and North East Somerset Local Plan, policy CP5 of the Core Strategy and policy SU1 of the Placemaking Plan. This is a condition precedent because it is vital that the detailed drainage design is in place before development commences because it is not a matter which can be easily retrofitted into the development once completed.

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

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

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

(ii) an assessment of the potential risks to:

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

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

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

the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

6 Contaminated Land - Remediation Scheme (Pre-commencement)

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

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

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

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

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

7 Archaeology - Field Evaluation (Pre-commencement)

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

8 Archaeology - Programme of works (Pre-commencement)

No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning

Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

9 Materials - Submission of Schedule and Sample Panel (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes has been submitted to and approved in writing by the Local Planning Authority, and a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan, Policy CP6 of the Bath and North East Somerset Core Strategy and policy HDE2 of the Chew Valley Neighbourhood Plan.

10 Joinery Details (Bespoke Trigger)

Notwithstanding the joinery on the submitted drawings, no installation of the joinery shall commence until details of the proposed joinery (including traditional balanced casements and painted, not stained, timber) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan, Policy CP6 of the Bath and North East Somerset Core Strategy and policy HDE2 of the Chew Valley Neighbourhood Plan.

11 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan, Policy CP6 of the Bath and North East Somerset Core Strategy and policies HDE1 and HDE2 of the Chew Valley Neighbourhood Plan.

12 External Lighting (Bespoke Trigger)

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

Reason: To avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

13 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, implementation of the recommendations of the Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

14 Contaminated Land - Verification Report (Pre-occupation)

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

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

15 Archaeology - Post Excavation and Publication (Pre-occupation)

The development shall not be occupied 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.

16 Drainage works implementation (Pre-occupation)

No occupation of the development shall occur until evidence that the on-site and off-site drainage works have been completed in accordance with the Flood Risk Assessment (Callidus, January 2017) and the approved detailed drainage design has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of flood risk management in accordance with policy ES.5 of the Bath and North East Somerset Local Plan, policy CP5 of the Core Strategy and policy SU1 of the Placemaking Plan.

17 Drainage operation and maintenance (Pre-occupation)

No occupation of the development shall occur until an Operation and Maintenance manual, demonstrating how the drainage system (including bunds, swales, channels, attenuation tanks, flow controls, debris screens, and any other drainage features) will be maintained and operated to ensure it performs as designed for the life of the development, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that efficient operation and maintenance of the proposed drainage system in the interests of flood risk management and in accordance with policy ES.5 of the Bath and North East Somerset Local Plan, policy CP5 of the Core Strategy and policy SU1 of the Placemaking Plan.

18 Drainage information pack (Pre-occupation)

No occupation of the development shall occur until an information pack to inform prospective purchasers and residents of their responsibilities towards the operation and maintenance of the drainage system together with restrictions on modification and any residual risks has been submitted to and approved in writing by the Local Planning Authority. The approved information packs shall be provided to all new purchasers or residents of the development within one month of the completion of their purchase or the commencement of their occupation.

Reason: To ensure that efficient operation and maintenance of the proposed drainage system in the interests of flood risk management and in accordance with policy ES.5 of the Bath and North East Somerset Local Plan, policy CP5 of the Core Strategy and policy SU1 of the Placemaking Plan.

19 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

20 On-site renewable energy requirement (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for renewable energy generation to reduce carbon emissions the approved dwellings by at least 10% 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 reducing carbon emissions in accordance with policy SCR1 of the Placemaking Plan.

21 Contaminated Land - Unexpected Contamination (Compliance)

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

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

22 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan, , Policy CP6 of the Bath and North East Somerset Core Strategy and policies HDE1 and HDE2 of the Chew Valley Neighbourhood Plan.

23 Parking and Turning areas (Compliance)

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

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

24 Footpath and carriageway provision (Compliance)

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

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

25 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.

26 Removal of Permitted Development Rights - Car ports (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no doors or other means of enclosure shall be inserted into the car port areas and these shall remain open in perpetuity.

Reason: Any alterations to enclose these areas require detailed consideration by the Local Planning Authority to ensure sufficient onsite parking is retained in accordance with the Chew Valley Neighbourhood Plan.

27 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:

3995 - 100 Rev A	Site Location Plan
3995 - 105 Rev H	Proposed Site Plan
3995 - 118 Rev C	Street elevations
3995 - 110 Rev C	Proposed Ground Floor Plan
3995 - 111 Rev A	Proposed First Floor Plan
3995 - 115 Rev B	Proposed Elevations 1-4
3995 - 116 Rev B	Proposed Elevations 5-8
3995 - 117 Rev A	Proposed Elevations 9-12
TE/1092/300/B	Proposed Drainage Arrangement
3995 - D01	Swale Boundary Bridge
3995 - 107	Existing elevations
3995 - 106	Topographical survey

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

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 a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. 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

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

Item No: 05
Application No: 17/00067/FUL
Site Location: Courtney House 14 Van Diemen's Lane Lansdown Bath BA1 5TW



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Patrick Anketell-Jones Councillor Anthony Clarke
Application Type: Full Application
Proposal: Erection of detached dwelling with associated underground parking, drainage and hard and soft landscaping following demolition of existing dwelling
Constraints: Affordable Housing, Agric Land Class 1,2,3a, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr Nick Sandy
Expiry Date: 3rd March 2017
Case Officer: Emma Hardy

REPORT

Reason for reporting application to Committee:

The application is being referred to the Committee because Councillor Patrick Anketell-Jones has called in the application if Officers are minded to recommend refusal. The application has been referred to the Chair who agrees that the application should be considered by the Committee.

Description of site and application:

The application relates to the site of 14 Van Diemen's Lane on the north side of Van Diemen's Lane in Bath. The site is currently occupied by a two storey detached house set a considerable distance back from the highway within a spacious plot. This side of Van Diemen's Lane is characterised by the staggered layout of detached two storey houses

sitting within spacious gardens. The locality is primarily residential, with Van Diemen's Lane comprised of two storey detached houses of varied design. The site is fairly open to the rear and backs on to open Green Belt. The site is not located within a conservation area but falls within the City of Bath World Heritage Site.

Planning permission is sought to erect a replacement two storey detached house. The building would have a front gable projection, a rear wing and would have one front and one rear dormer window. The rear wing of the building would end in a first floor roof terrace above a single storey element. The proposed dwelling would have a predominantly gabled roof form with an expanse of flat roof to the main part of the house measuring approximately 26m² in area. The main element of the proposed dwelling would measure approximately 12.8m wide by approximately 10.5m deep. The two storey front gable projection would have a depth of approximately 2.6m, whilst the rear wing would have a ground floor depth of approximately 12.7m and a two storey depth of approximately 8.5m, giving a total two storey depth to the building of approximately 21.6m (all depths stated exclude bay windows).

The proposals include the erection of a garden wall measuring up to approximately 2m high to the front of the dwelling to provide additional enclosed garden space. A 'cardoc' system would be installed to provide below ground car parking.

Relevant planning history:

No relevant recent planning history for the application site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Anketell-Jones: If you are minded to refuse this application please may I ask that it goes to the DMC for determination.

The proposals respond sympathetically to the quality and style of neighbouring houses (and) have greater relevance to the area than the existing building.

Five comments of support have been received from the owners/occupiers of the following addresses: Nos. 4, 17, 18 and 19 Van Diemen's Lane and Tregunter, Chalcombe Lane.

The content of these comments is summarised below:

- o The proposals have architectural merit;
- o The development represents an improvement on the existing building;
- o In keeping with the street scene;
- o Proposed dwelling suits the site.

Highways DC: No objection subject to conditions.

Landscape (summarised): Object. The proposed development would be visually detrimental to the Green Belt due to its significantly larger size and consequent significant reduction in soft landscape area compared to the existing house. It would also have an adverse impact on existing mature trees within the site and on its boundaries. I consider that the plot is not of sufficient size to accommodate the development proposals without a detrimental impact on the visual amenity of the Green Belt.

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 Council's Development Plan now comprises:

- Core Strategy (2014)
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

- B1: Bath spatial strategy
- B4: The World Heritage Site and its setting
- DW1: District wide spatial strategy
- SD1: Presumption in favour of sustainable development
- CP2: Sustainable construction
- CP6: Environmental quality
- CP10: Housing mix

The following saved policies of the Bath and North East Somerset Local Plan (2007) are also relevant to the determination of this application:

- SC.1: Settlement classification
- D.2: General design and public realm considerations
- D.4: Townscape considerations
- GB.2: Visual amenities of the Green Belt
- NE.1: Landscape character
- NE.4: Trees and woodland conservation
- T.24: General development control and access policy
- T.26: On-site parking and servicing provision

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

- D1: General urban design principles
- D2: Local character and distinctiveness
- D5: Building design
- D6: Amenity
- D7: Infill and backland development
- GB1: Visual amenities of the Green Belt
- NE2: Conserving and enhancing the landscape and landscape character
- NE6: Trees and woodland conservation

The following policy can be given significant weight:

ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework adopted March 2012

OFFICER ASSESSMENT

Principle of the development

The site is located within the built up area of Bath, the main urban area in the District. The principle of a new dwelling in this location is acceptable subject to compliance with other relevant saved policies in the Local Plan, the Core Strategy and the NPPF. The proposal is for a replacement dwelling, so there would be no net gain in dwelling numbers.

Car parking provision and access

Access to the site would remain unchanged. The proposals would meet the car parking standards for a four bedroom dwelling. It is also noted that there would be space for vehicles to turn on site to enable vehicles to enter and exit the site in a forward gear.

Landscape impact and impact on Green Belt

The site backs onto, but falls outside, open Green Belt land and the Cotswolds AONB to the north and falls within the boundary of the World Heritage Site. The proposed replacement dwelling would be conspicuous from the neighbouring countryside. The proposal would significantly increase the extent of built form and hardstanding within the application site, thereby reducing opportunities for soft landscaping.

Saved Policy GB.2 states that permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction. Forthcoming Placemaking Plan Policy GB1, now given substantial weight, states that development within or conspicuous from the Green Belt should not prejudice but seek to enhance the visual amenities of the Green Belt by reason of its siting, design or materials used for its construction. This relates primarily to protecting the rural character and landscapes of allocated Green Belt land. Paragraph 81 of the NPPF states that "local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to (...) retain and enhance landscapes, visual amenity and biodiversity".

The Landscape Officer has objected to the proposed development on the basis of the impact on the landscape character and visual amenity of the adjoining Green Belt resulting from the scale and prominence of the building and reduction in landscaping within the site. However, it is noted that the replacement dwelling would be viewed in the context of the surrounding staggered houses within the city development boundary. Therefore, whilst the proposed development is considered to be harmful to the character and appearance of the locality as discussed below, on balance, the level of landscape harm and harm to the visual amenity of the Green Belt is not considered to warrant refusal in itself.

Saved Local Plan Policy NE.2 states that development which adversely affects the natural beauty of the landscape of the designated Areas of Outstanding Natural Beauty will not be permitted. The site does not come within the AONB landscape. Furthermore, as above, the proposed development would be viewed from the surrounding countryside within the context of the urban fringe. Therefore, notwithstanding the excessive scale of the proposed development as discussed below, it is not considered that the proposal would cause harm to the landscape value of the neighbouring AONB.

A Magnolia tree within the front garden of the site and a Maple tree within the hedge marking the boundary with No. 13 are proposed to be removed. Whilst these trees are of some amenity value, they are not considered to merit further protection under a Tree Preservation Order and there is therefore no objection to their removal. The proposals may also have an adverse impact on the Birch tree within the garden of No. 13; however, potential harm may be limited by the difference in ground levels between the two sites and the presence of an existing retaining wall. Since this tree is not considered worthy of further protection under a TPO, no objection is raised in regards to potential impact on this tree.

Landscaping plans for the front and rear gardens have been submitted with the application. These show the planting of several new trees within the front garden, including a replacement Magnolia, three small Apple trees close to the rear boundary and retention of the existing hedge along the eastern boundary. Given the level of development proposed (one replacement dwelling), it is considered that the level of information provided on the landscaping plans is adequate.

Impact on character and appearance

Van Diemen's Lane is characterised by its falling ground level and irregularly positioned detached houses within spacious plots. Particularly on the north side of Van Diemen's Lane, detached two storey houses are positioned in a staggered arrangement within their plots, apparently to enable views down the slope towards open countryside. The dwellings in the vicinity vary in design but are generally similar in scale. To either side of the application site, OS data shows No. 12 Van Diemen's Lane to have a depth of approximately 14m, whilst No. 13 is less than 14m deep.

The proposed dwelling would have a total ground floor depth of 26.85m (including front bay window) and a total two storey depth of 22.6m. This substantially exceeds the scale of surrounding dwellings, with an excessively deep plan form which fails to respect the local context.

The application submission also refers to Carmel to the north. This is a detached dwelling fronting Charlcombe Lane with a width of approximately 19m depth of approximately 9m at its deepest point. This property is not considered to relate particularly to the character of Charlcombe Lane or to be directly comparable to the proposed dwelling and is also materially smaller in scale than the proposed dwelling.

Whilst the excessive depth of the proposed replacement dwelling would not be readily apparent within the Van Diemen's Lane street scene, it would be apparent in public views to the north across open countryside owing to the open character of the rear of the site, including from Public Right of Way BA5/10 to the north. The excessive scale of the

building would also be clearly visible from neighbouring gardens and houses. It is therefore considered that the incongruous, excessively deep plan form of the proposed building would cause demonstrable harm to the character and appearance of the locality, contrary to saved Local Plan Policy D.4.

Recent appeal decisions demonstrate that visibility from public viewpoints is not the only test in regards to harm to character and appearance. For example, the Inspector for a recent appeal decision for 29 Forester Road in Bath (ref. APP/F0114/D/16/3164142) concluded that limited visibility within the street scene did not prevent harm to the conservation area from an excessively large form of development: "I accept the work could be seen from few public viewpoints. However, I am aware of no basis to protect the conservation area from the public domain only, and it would nonetheless be visible from gardens and adjacent houses". Whilst it is noted that the appeal site was located within the conservation area, this approach to assessing character and appearance is pertinent to this case.

Similarly, an appeal decision from earlier this month for a site in Birmingham which was enclosed by residential dwellings and adjacent to a church, takes into account that the proposed development "would be readily visible in views from the access drive to St Peters Church and from the neighbouring properties and gardens", despite being visible only in glimpsed views from the street scene. This appeal was dismissed owing to the significant harm to the character and appearance of the area, repeating the principle that visibility from surrounding gardens is sufficient to result in unacceptable harm to character and appearance (Appeal ref. APP/P4065/W/16/315803).

In addition, forthcoming Placemaking Plan Policy D.2 (Local Character & Distinctiveness), which can now be given substantial weight, requires that "The design responds appropriately to urban morphology, including (...) massing and scale". The proposal fails to meet this criterion owing to the excessive scale of the replacement building.

It is considered that the architectural style of the proposed replacement dwelling would be compatible with the street scene and the proposed finish materials (predominantly render with dark grey roof slates) would appear appropriate in this context. However, a lack of harm in these respects is a neutral consideration and does not outweigh the harm identified above.

In conclusion, the proposal would result in an incongruous and excessively large form of development compared to the existing built form of the area. As such, it would significantly harm the character and appearance of the area contrary to saved Local Plan Policy D.4, the aims of the National Planning Policy Framework and forthcoming Placemaking Plan Policy D.2.

Impact on neighbours' amenities

The only properties likely to be affected by the proposed development through loss of light, overshadowing, visual impact or loss of privacy are Nos. 13 and 15 Van Diemen's Lane.

Owing to the staggered relationship with No. 13 and the excessive depth of the proposed house, the proposed building would project approximately 21m beyond the adjacent rear

elevation of No. 13. The downwards incline to Van Diemen's Lane results in a significantly higher ground level at No. 13 than the application site so that the garden level of No. 13 at the boundary with the application site is approximately at first floor level of the proposed dwelling. Nevertheless, it is considered that a structure of this depth in close proximity to the party boundary would have an imposing visual impact for the occupiers of No. 13 as experienced from their rear garden. It is considered that this overbearing visual impact and associated sense of enclosure would cause significant harm to the residential amenity of the occupiers of No. 13.

No. 15 is set at a lower ground level. The existing house at the application site has two first floor side windows facing towards No. 15, one serving a bathroom (a non-habitable room) and one serving a bedroom. It is noted that the staggered pattern of development provides an element of overlooking from sites at higher levels with side windows providing outlook down the hillside, and this is part of the established character.

However, the proposal includes a substantially greater extent of side-facing glazing and a raised terrace which would result in a significant increase in overlooking to the rear garden of No. 15 compared to the existing situation. Whilst the generous size of the rear garden at No. 15 is acknowledged, it is nevertheless considered that the proposed development would result in an unacceptable reduction in privacy within the rear garden of 15 Van Diemen's Lane. The presence of the first floor terrace in particular significantly exceeds the level of overlooking that currently exists on the north side of Van Diemen's Lane.

The proposal is therefore considered to have an unacceptable impact on the amenities of the occupiers of both Nos. 13 and 15 Van Diemen's Lane, contrary to saved Local Plan Policy D.2, the aims of the National Planning Policy Framework and forthcoming Placemaking Plan Policy D.6 (now afforded substantial weight).

Conclusion

Owing to its excessively deep plan form, the proposed development would cause significant harm to the character and appearance of the locality. Furthermore, the proposal would result in an unacceptable visual impact for the occupiers of 13 Van Diemen's Lane and an unacceptable level of overlooking for the occupiers of 15 Van Diemen's Lane. The application therefore fails to comply with saved Local Plan Policies D.2 and D.4 and Paragraphs 9 and 17 and Section 7 of the National Planning Policy Framework.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 By reason of its excessively deep plan form, the proposed development would cause significant harm to the character and appearance of the area contrary to saved Local Plan Policy D.4 and the aims of the National Planning Policy Framework.

2 Owing to its excessive depth and proximity to the party boundary with 13 Van Diemen's Lane, the proposed development would result in an overbearing visual impact and sense of enclosure for the occupiers of that neighbouring property to the detriment of their residential amenity. In addition, by reason of the proposed first floor terrace and

substantial increase in first floor windows facing towards 15 Van Diemen's Lane, the proposal would result in a significant reduction in privacy for the occupiers of No. 15 to the detriment of their residential amenity. The proposal would therefore be contrary to saved Local Plan Policy D.2 and the aims of the National Planning Policy Framework.

PLANS LIST:

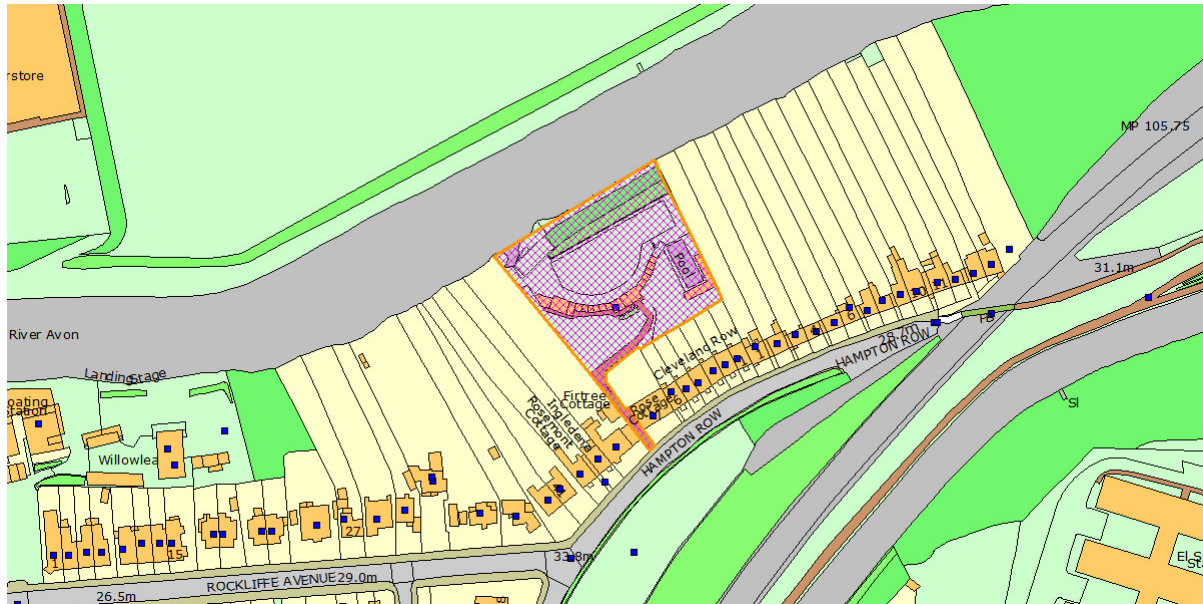
This decision is based on the following drawings and information:

D100-01 Existing Location and Block Plan, D100002B Existing Site Plan, D10003 Existing Floor Plans, D10004 Existing Loft and Roof Plan, D10005A Existing Sections AA & BB, D10006A Existing Elevations, D100007B Existing Site Sections, D10012G Proposed Site Plan, D10013M Proposed Ground Floor Plan, D10014L Proposed First Floor Plan, D10015D Proposed Roof Plan, D10016D General Section, D10017G Proposed Site Sections, D10018F Proposed North and South Elevations, D10019F Proposed East Elevation, D10020F Proposed West Elevation, 1007 P101 3D View From Front Terrace Area (South East Elevation), 1007 P102 3D View From Van Diemen's Lane (South East), 3D View From Rear Garden (North + East Elevation), Design and Access Statement and Planning Statement received 6/1/2017, WS73/01 Front Garden Layout Plan and WS73/01 Rear Garden Layout Plan received 10/3/2017 and un-numbered Landscape Perspective Drawing received 15/3/2017.

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 06
Application No: 16/05632/FUL
Site Location: Cleveland Bath Cleveland Row Hampton Row Bathwick Bath Bath And North East Somerset



Ward: Walcot **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Fiona Darey
Application Type: Full Application
Proposal: Restoration of historic open-air public swimming pool and associated facilities
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Cleveland Pools Trust
Expiry Date: 20th January 2017
Case Officer: Adrian Neilson

REPORT

Reason for calling to committee:

The applications were referred to the Chair by Cllr Fiona Darey and the Chair provided the following reason for the applications to be added to the agenda for consideration at Committee:

I have studied the information linked to this short report & agree with the Ward Cllr that with the amount of community interest registered and with some justifications and solutions still to be clarified relating to some of the key issues with this application it should be determined by the DMC where it can be debated in public.

Site Description:

The protected property is a Grade II* listed building and lies within a designated conservation area and the wider World Heritage Site. The site was developed in the early C19 as a subscribing public swimming pool and is now the earliest surviving example of its kind in the country and therefore a highly significant heritage asset. It originally relied on a small section of diverted river (River Avon) that flowed through the site to provide the water for swimming however this was latterly altered and the river entry into the site was cut off by sluice gates to create an enclosed pool and this remains the case today. Cleveland Pools has suffered from mixed fortunes and fell into disuse in the latter part of the C20 and was included on the Council's and Historic England's Buildings At Risk register. However, following the formation of the Cleveland Pools Trust, which now cares for the site, and considerable fund raising efforts, it is proposed for the pools to be brought back into community and visitor use. The proposals of the planning application, the construction of a pontoon to enable access to the site from the river, are part of a wide ranging project to enable reuse and restoration of the historic public swimming pool.

Proposal:

Internal and external alterations for restoration of historic open-air public swimming pool and associated facilities including: restoration of the historic swimming baths, cottage for permanent caretaker residential use and changing cubicles; enhancement and improvement of external floor surfaces and landscaping; construction of kiosk and cafe and toilet facilities; improved pedestrian access.

History:

DC - 00/01204/LBA - CON - 7 August 2000 - Repair and rebuilding of existing stone wall after removal of trees.

DC - 15/00955/FUL - PERMIT - 26 June 2015 - Erection of a pontoon with access steps on the River Avon and bank at Cleveland Pools.

DC - 15/03875/REM - WD - 23 November 2015 - Removal of conditions 1,2,3,4,5 of application.

DC - 16/05633/LBA - Internal and external alterations for restoration of historic open-air public swimming pool and associated facilities. This application is also before the Committee for consideration.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England

- Since their closure the structures that make up this significant group have fallen into disrepair, and are identified as being at risk from further deterioration on the national Heritage at Risk Register.
- the site's grade II* status places it in the top 6% of listed buildings.
- support the principal of the proposed works, although we have some reservations over some of the details, which we hope can be suitably resolved.
- Kiosk building: the location for the proposed new kiosk and plant room on the upper pool have been subject to most discussion. We support the position, form and design of this more significant addition to the site.
- Cottage Alterations: the buildings on the site are very little altered from their original construction form. We are supportive of the broad conservation principles adopted for the repair of the cottage, although we would question the justification for double-glazed sealed

units within the replacement windows. We would encourage a more authentic form of window construction.

- It is also proposed to reinstate an earlier bridge into the first floor of the cottage from the South. While the bridge was not an original design feature of the building, its addition will not cause significant harm and the benefits of allowing independent access at this level will contribute in a positive way to the running of the site overall. However, the construction of the balustrade could be a little more refined with the possible omission of the wire mesh which appears quite functional.

- Access and Gateposts: access to site is via Hampton Row is narrow and steep and creates complex access issues. Proposals resolve these with the use of a mobility scooter. Alternative access from river via pontoon and boat but disabled access problematic. Concerns regarding loss and replacement of historic gate and piers associated with the site. Consideration should be given to the reuse of stone piers for the riverside access. Acknowledged that iron gate to be reused.

- the proposals include a degree of loss of historic fabric, and this is considered harmful to the overall significance of the heritage asset. This harm needs to be fully justified and weighed against the conservation gain and wider benefits.

- support for the principle of the full repair and reinstated use of the historic baths, as this would sustain the conservation of a highly graded heritage asset within the World Heritage Site.

Highways

- Noted that the applicant sought pre-application advice under ref. 14/02672/PREAPP to which Highways DC raised no objection to the principle of the development.

- overall, Highways DC are satisfied with the information submitted as it has covered all relevant aspects of the day-to-day operation of the pools.

- if the advice is taken into consideration, Highways DC do not anticipate any significant highway related impacts as a result of the development.

- the site's sustainable location having access to a range of public transport links and the parking restrictions in place from Monday to Saturday, Highways DC are satisfied with the travel and transport arrangements suggested for visitors in the Travel Plan previously submitted.

- acknowledgement that sustainable means of transport to and from the site such as walking, cycling and public transport will be encouraged.

- no objection to provision of a residential unit on-site although the applicant should note that the site is located within a Controlled Parking Zone where existing permits exceed the supply of parking spaces.

- residents of this proposed development will not be entitled to apply for Residents Parking Permits. This, however, is considered to be at the developers risk given the sustainable location of the site.

- Deliveries and Servicing: all service vehicles will be required to access the site via the main access from Hampton Row. Maintenance to plant will only require occasional visits to the site and therefore is not expected to have a severe impact on Hampton Row. Deliveries will be made by a car or small van and will generally not take a lot of time, Highways DC does not envisage any significant impacts on the public highway. It is recommended that deliveries be undertaken outside peak AM and PM hours and during busy periods at the facility where possible.

- Refuse disposal and Collection: information provided regarding the storage and collection of refuse is acknowledged.

- consideration should be given to extending the parking restrictions to include Sundays.

Tree and Landscape Officer

Development proposals not acceptable in their current form due to:

- The location of the WC Block and Store would be likely to have an unacceptable risk of harm to the mature Horse Chestnut Trees (T24 and T25).
- The proposed tree works to trees T14, T16, T17, T19 and T22 would increase the risk of their failure.
- The number and species choice of trees along the northern boundary will not support the succession management of the trees on this boundary.
- Insufficient information on the location of services has been submitted.
- If development is to be recommended for approval the suggested conditions should be applied in mitigation of the concerns to raised.

Ecologist

- The site is immediately adjoining and partly within the boundary of the River Avon Site of Nature Conservation Interest (SNCI). It supports water bodies, a range of buildings, and vegetation including tall semi-improved grassland and mature trees. It is well connected to nearby habitats used by bats and a range of other wildlife including newts, reptiles, aquatic vegetation and bats.
- the aquatic vegetation survey found a population of a locally scarce aquatic plant "Rigid Hornwort". A translocation exercise was undertaken to a suitable receptor site nearby. A monitoring programme is referred to, which would be necessary to establish the success or otherwise of this exercise. This must be implemented and must be secured by condition.
- a population of slow worms was identified - reptile mitigation strategy will be required prior to works. This can be secured by condition.
- comprehensive suite of ecological survey and assessment has been submitted.
- the submitted lux plots shows the proposed lighting as modelled and appears to be sensitively designed, low-level lighting. It will avoid light spill onto the River Avon and adjacent tree line which I would consider to be the most sensitive habitats at the site.
- part of the western boundary tree line is subject to light levels of up to 2 lux and consider reducing this further, or screen the tree line from the lights here. However, this tree line is of less critical ecological value than the river and its banks and on balance I consider the proposed lighting levels are acceptable.
- The scheme must be secured by condition which should be worded to allow further revisions if necessary but so that the final scheme does not exceed the light spill levels shown on the approved plan.
- Final details should include a little more information about lamp specifications and spectral composition; this can be secured as part final details to be approved by condition.
- the bat surveys are complete and satisfactory, and conclude that, although offering bat roost potential, the buildings at the site are not currently used as bat roosts. Re-inspection for bats will be required prior to any works affecting the roof or other features with bat roosting potential.
- pre-commencement updates to bat surveys can be secured by condition in this case.
- secured by condition requiring an Ecological Method Statement will be secured by condition. The bat survey also notes that the
- removal of any habitat (eg trees) used by bats would need to be compensated for.

- I note the concerns raised regarding likely harm to horse chestnut trees that would result from the proximity of the toilet block. Should this proposal be considered at committee prior to this issue being resolved to the satisfaction of the B&NES Arboricultural Officer, I would request that the advice about likely harm to this tree and the potential further implications of this harm are made clear to members to inform their decision.

Project Coordinator - River Avon

I support this development proposal, this is a key project which I support the delivery of to enhance the river corridor and reinstate the historic use of the bathing pools. I also support the inclusion of the landing stage and pontoon and opening up limited views to/from the river. I note the pontoon structure already has planning consent. The potential for a river taxi stopping point at the pools is identified in the draft WaterSpace Study and could be achieved through the current scheme design.

Environment Agency

The initial concerns raised regarding flood capacity and discharge have been withdrawn and the Environment Agency advised that, in the event that planning permission is granted, the suggested conditions are included relating to; floodplain compensation storage; flood safety; flood risk assessment and landscape management plan.

Crime Prevention Officer

- The applicant acknowledged my concerns. However it seems that the perimeter security issue is quite complicated on this site & it would be very difficult to install a perimeter boundary that would completely enclose/secure the site to a recommended minimum height of at least 1.8 metres, preferably 2.4 metres.
- there are also outstanding matters as the applicant will also be submitting a further planning application regarding the West boundary. This border has an existing low wall. Also this wall has utilities passing alongside/underground so could prove problematic in erecting fencing as recommended above.
- I have agreed to discuss this matter further with the applicant at any stage as this application progresses. I will also review this application when the West boundary application is submitted in due course & can comment further at that time.

Environmental Health

- No objection subject to the inclusion of a condition requiring the submission of a noise assessment relating to impact of the construction and operational phases of the development.

Drainage and Flooding

-Noted that the impermeable area is to remain unaltered. Also noted that the area is at low risk of surface water flooding. Therefore no comment or condition is required with respect of the surface water drainage proposals which are to be undertaken in accordance with Building Regulations Approved Document Part H.

- As the development is located within a fluvial flood risk area a Flood Emergency Plan will be required for the development. This plan is to provide information on flood warnings and evacuation procedures and the suggested condition should be included.

Waste Services

- No concerns due to no domestic refuse or recycling collection considerations.
- worthy of note is the waste and recycling collections, and how these would be carried out by whichever contractor was selected.

Ben Howlett MP (Support)

This letter is to recommend the application of the Cleveland Pools Trust for the Heritage Lottery Fund Round 2. The Cleveland Pools are a valuable part of Bath's cultural heritage, as the only Georgian lido in the whole of England. They were operated until 1984, as a historic public leisure facility and centre of community life. The Cleveland Pools Trust aims to restore and revive the site.

If the group can carry out this valuable work, the site will be the world's first naturally treated, heated outdoor swimming pool. In research surrounding another World Heritage bid in the City of Bath, research of spa towns across Europe revealed that the Cleveland Pools are one of the only surviving outdoor cold-water bathing facilities and the oldest of all such facilities. Restoration of the Cleveland Pools would contribute to our understanding of Bath's rich history and allow a new generation of visitors to visit this significant site.

The Cleveland Pools are listed as a Grade II* World Heritage Site, and the structure carries significant historic importance. The site represents an outstanding architectural landmark of universal value, meeting the selection criteria for inclusion on the World Heritage List. Revitalization of the Cleveland Pools would represent the values of our city, emphasizing our commitment to the community and to preserving sites of cultural import. The significance of the site clearly indicates that the UK Government has an obligation, as per their agreement to the 1972 UNESCO convention commitment, to conserve and protect this World Heritage Site for future visitors and residents. This restoration work remains a matter of urgency for our city. The Cleveland Pools are listed on the national 'Buildings at Risk Register,' a list of buildings that require imperative restoration work in order to be protected. In the whole of the City of Bath, only two such buildings exist. Funding preservation work on critically threatened sites, such as the Pools, remains a priority for the World Heritage Site Steering Group. In order to preserve this historic location, the revitalization of the structure must be undertaken and funded as swiftly as possible.

Funding the reopening of the Cleveland Pools would prove invaluable for the city of Bath. The current neglect of the structure does a disservice to this aspect of Bath's historical fabric. The unique Georgian structure, the oldest of its kind, should be a testament to our country's commitment to preservation of significant heritage sites and a positive reflection of our history. Furthermore, the site has the potential to become a centre of the local community, celebrating sport and architecture in our city. I hope that the significance of the Cleveland Pools, the urgency of the necessary work at the site, and the benefits of

restoring the structure speak to the strength of the Cleveland Pools Trust's application for the Heritage Lottery Round 2 funding. Thank you for your consideration of this project.

Cllr Paul Crossley (Support)

Without fettering my ability to consider this at a development control meeting I wish to make the following comment.

The Cleveland Pools are an important aspect of our heritage. This application has the wide range of support not only from residents but also from a variety of interest groups. Therefore if the officer recommendation is to REFUSE then this comment is a formal request that the application should be determined in public by the Development Control Committee. If the officer recommendation is to PERMIT in line with the vast majority of public views expressed then I am content for it to remain a delegated decision.

Cllr Fiona Darey (Object)

There are huge concerns by neighbouring residents as to the impact of the Cleveland Pool application, in relation to the scale of the proposed development, the lack of impact assessment to the neighbourhood, lack of traffic management strategy and noise impact due to the length of hours proposed for operation.

Bath Preservation Trust (Support)

The Trust supports these proposals to restore this important historic and community asset and to bring it back to active public use. We congratulate the Cleveland Pools Trust on their committed and sustained efforts to reach this stage in the project. It is inevitable that with such an ambitious project there are challenges in conserving the fabric of the asset but these are, in our view, outweighed by the public benefits and the fact that the overall significance of the asset will be enhanced and better revealed to the public at large. We are confident to leave the finer details of conservation versus modernisation to the case officer, though we do question the loss of the staircase in the main cottage as this stair was and is a key part of the way the cottage has been used historically - ideally we would wish to see a solution that retains the historic arrangement. We understand that historic interpretation and education of the history of the site will be highly visible and accessible to the public on-site and we encourage this.

Bath Heritage Watchdog (Support)

The Cleveland Baths is the country's only surviving Georgian Lido. It has long been neglected and on the Historic England Buildings at Risk Register. The Cleveland Pools Trust and its volunteers have worked tirelessly against the odds to now get within touching distance of restoring the once great and popular baths. We therefore wholeheartedly support this well researched application.

Representations

540 comments of support have been received. The supporting comments can be summarised as follows:

- Cleveland Pool is unique and should definitely be preserved;
- important heritage asset of Bath and UK heritage will be saved;
- will provide a wonderful and beautiful amenity for locals and visitors alike'
- worthwhile project;
- asset for Bath;
- excellent facility that will encourage children and adults to swim and take exercise;
- site is of incredible historical & cultural interest;
- important element of Bath's long-standing heritage and association with public health derived from water;
- 'pools should be saved from further decay so they can be enjoyed by future generations';
- restore a facility for Bath families to enjoy that will have health benefits;
- applicants and application has responded to sensitivities of local residents - 'is one of its hallmarks';
- will encourage increased use of the river;
- social/community/visitor/economic/heritage benefits from reuse;

101 objections have been received. The objections can be summarised as follows:

Potential harm to:

- ecology, habitat, fauna and flora: toilet block will cause physical harm to trees, result in loss of habitat and cause visual harm to the river bank.
- historic buildings, archeology: loss and removal of front entrance gate and piers; concreting over Ladies' Pool; location and alteration of the upper mid-C19 pool to accommodate swimming pool plant; location of the kiosk will cause further harm to the mid-C19 pool; generally harm or loss of all pre-1900 structures apart from the cottage and cubicles; proposals generally counter to heritage protection in favour of commercial considerations;
- no studies undertaken to assess impact of 'business development ' local residents/community
- residential amenity: noise levels; impact on privacy; odours from cafe, toilet block, refuse; negative impact as a result of 'large commercial enterprise...large visitor attraction... severely damage the local community's quality of life'; increase in levels/volume of vehicular traffic; lack of analysis of its impact on highway safety; increase in air pollution; business-like approach counter to residential area; proposals too intensive/over-development;
- inadequate access provision;
- none of the issues have have been addressed by the planning application or submitted information;
- lack of community involvement;
- proposals contravene BANES' own local plan: policy BH.13;

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 Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)
- Joint Waste Core Strategy

- Relevant adopted Neighbourhood Plans

The following policies of the Core Strategy are relevant to the determination of this application:

- CP5 - Flood Risk Management
- CP6 - Environmental Quality
- CP7 - Green Infrastructure
- B4 - The World Heritage Site and its setting

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy

Relevant Local Plan policies:

- BH.2 - Listed buildings and their settings
- BH.6 - Development within of affecting Conservation Areas
- D.2 - General design and public realm considerations
- D.4 - Townscape considerations
- T.24 - General development control and access policy

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

- B4: The World Heritage Site and its Setting
- D.1 - D.7, D.9 & D.10: General Urban design principles: Local Character & Distinctiveness; Urban Fabric; Streets and Spaces; Outdoor Street Furniture; Building Design; Amenity; Lighting; Public Realm
- LCR6: New and Replacement Sports and Recreational Facilities
- LCR7: Recreational Development Proposals Affecting Waterways
- NE1: Development and Green Infrastructure
- NE4: Ecosystem Services
- NE5: Ecological Networks
- NE6: Trees and woodland conservation
- SU1: Sustainable Drainage

Placemaking Plan Policies with significant weight:

- D8: Lighting
- HE1: Safeguarding heritage assets
- NE2A: Landscapes setting of settlements
- NE3: Sites, species and habitats
- ST7: Transport requirements for managing development and Parking Standards
- PCS2: Noise and vibration

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

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

There is 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.

National Planning Policy Framework (2012) and Practice Guidance (2014) can be accorded substantial weight.

Historic Environment Good Practice Advice in Planning Notes issued by Historic England:

- Making Changes to Heritage Assets
- Managing Significance in Decision-Taking in the Historic Environment
- The Setting of Heritage Assets

- Draft Bathwick Character Appraisal, Bath Conservation Area (this currently carries limited weight in planning terms).

OFFICER ASSESSMENT

The proposals relate to the reuse of the Grade II* listed Cleveland Pools, which are historic public swimming pools dating from the early C19 and are unique and the earliest surviving of their type. They are located within a residential area within the Bath Conservation Area just to the east of the city centre in Bathwick and adjacent to the River Avon. There is a parallel listed building application - ref: 16/05633/LBA.

In the determination of this application the following relevant issues have been considered:

Heritage

The heritage asset is highly significant and therefore its reuse, following decades of dereliction and decay, is considered to be a major priority. The proposals include demonstrable and clear elements of restoration, conservation and enhancement. These heritage benefits are weighed and balanced against some elements of harm, which include: removal of the historic front entrance gate in order to increase the available width for improved disability access; first floor bridge to the rear of the cottage to provide separate access, which has some historic precedent; use of the later mid C19 upper pool for the location of the plant and kiosk building. Whilst this harm is not desirable it is regarded that the elements of the proposals that will result in heritage benefit, and substantively this includes reuse of the heritage asset, outweighs this harm and is justified on this basis.

Under the terms of the National Planning Policy Framework the proposals would cause less than substantial harm. Paragraph 134 of the National Planning Framework directs that less than substantial harm to a heritage asset should be weighed against the public benefits of the proposal. In the case of the proposals for the reuse of Cleveland Pools the public benefit has been clearly demonstrated, and in this instance are considered to outweigh the harm.

Highways

The initial response from the Highways team highlighted issues regarding a lack of information relating to: site access; visitors to the site; delivery and maintenance vehicles; refuse storage and collection and construction traffic. Following the submission of the required information including a Travel Plan the Highways team is now satisfied that their initial concerns have been adequately addressed. Whilst it is acknowledged that details of construction management options have been submitted the requirement of a detailed construction management plan will be secured by condition. However, it is worth noting that the options for construction access include from the opposite side of the river at Kensington Meadows and river barge. The applicant's adoption of a Green Travel Plan is noted to encourage visitors to travel to the site using sustainable means including walking, cycling, public transport or via the river by boat. It is also acknowledged that the applicants have secured adequate provision of cycle parking in collaboration with the Council and the Canal and River Trust and the location for this will be on the tow path of the nearby Kennet and Avon Canal. Furthermore, it is recognised that the site is within the City of Bath and regarded as a sustainable location and that there is no provision for vehicular parking in the residential area and therefore, as stated above, visitors will be encouraged to travel by public transport, foot or bicycle. It is also acknowledged that the applicants will seek to promote the river access to the site potentially utilising a seasonal boat service from Pulteney Weir and the Bathwick Boating Station and the approved pontoon will assist in this regard. It has been recommended that parking restrictions extended to Sunday could be considered if it was deemed necessary following the site becoming operational. The applicant has stated that, in the event that it was a requirement, they would support such proposals.

Ecology

The Council's Ecologist initially expressed concerns relating to harm to habitat and the fauna and flora within and surrounding the site and requested that further information to be submitted by the applicant. Following the submission of the information the Ecologist is satisfied that due consideration has been given to mitigation and that subject to the inclusion of the suggested conditions support has been given. Mitigation includes: low light levels; the minimisation of light spill onto the river and trees through directional lighting, screening and baffles; planting of trees; precautionary working methods; protection measures and construction materials; monitoring and survey. The suggested conditions have been included in order to secure these mitigation measures.

Trees and Landscape

The Council's Tree and Landscape Officer expressed concerns that the development could result in harm to a mature horse chestnut located in the south eastern corner of the site adjacent to the river. Notwithstanding this concern the officer has requested that in the event that the planning application is approved that a number of conditions are included to minimise harm to the trees. These conditions have been included. Furthermore, it is acknowledged that the applicants have ensured through design that the construction of the toilet block will utilise a lightweight construction using micropile foundations on a suspended 'raft' floor slab using an air knife to mitigate the harm to the chestnut trees and to minimise disturbance to their root systems.

Refuse Storage and Collection

The applicants have submitted an operation statement that provides information about waste storage and management of waste collection. Waste storage will be on site within the new kiosk buildings located on the site of the upper pool. Waste services raised no concerns. The management of waste has been stated within the submitted Operational Statement and will be carefully controlled in collaboration with a local commercial operator to include daily collection if required.

Drainage and Flooding

The Council's Drainage and Flood Team raised no objections subject to the inclusion of the suggested condition. This condition has been included.

Environment Agency

The Environment Agency have expressed concerns and requested further information relating to the river flood storage capacity of the site. Whilst satisfied that this further information has in part dealt with some of the issues raised there are some outstanding issues to resolve however these will be dealt with by the suggested conditions. These conditions have been included.

Site Security

The Crime Prevention Design Officer advised some concerns and solutions and recognised that the specific circumstances that exist do not allow for a conventional response to security and concluded that the proposals were adequate. The applicant is aware of the issues of boundary security which may be addressed by the submission of a further planning application. It is also noted that due to the presence of a caretaker who will live on site on the first floor of the cottage this will afford improved levels of security and seavallance.

Residential Amenity and Environmental Protection

As a result of the reuse of the public swimming pool it is acknowledged that this will have an impact on the residential amenity of adjacent properties from noise levels. The applicants have submitted information regarding carefully considered opening and operating times and specific periods of daily use for specific age groups in order to manage and mitigate the impact of noise on nearby local residents. The specified site capacity is: 242 and a maximum daily throughput of twice the site capacity with a morning and afternoon session which would result in a maximum daily user figure of approximately 484 on the busiest of days.

The proposed opening times are as follows:

Term Time Weekdays

Adult only

Monday - Friday

Weekends

8am - 10am/6pm - 8pm

General Public

Monday - Friday

1pm - 7pm
Weekends
10am - 6pm
Hire
Monday - Friday
9am - 12pm
7pm - 9pm
Weekends
8pm - 9pm

School and Bank Holidays
Adult only
Monday - Friday
7am - 9am
6pm - 7pm
Weekends
8am - 10am
6pm - 8pm

General public
School and Bank Holidays
Monday - Friday
9am - 6pm
Weekends
Sat: 11am - 6pm
Sun: 10am - 6pm
Hire (Available for hire)
Monday - Friday
7pm - 9pm
Weekends
8pm - 9pm

Furthermore, the applicants have submitted a noise assessment methodology that has been assessed by the Council's Environmental Health Officer and although expressed some concerns regarding the lack of information relating to noise assessment has offered support subject to a condition that has been included. This condition relates to the requirement of the applicants to provide a detailed noise impact assessment. There are other conditions that will help to safeguard residential amenity.

Some concerns have been raised regarding privacy and odours. In terms of privacy the existing boundaries are to be improved by individual owners including the Council and CURO that will result in the planting of a hedge on the western boundary between existing mature trees and on the southern boundary the wall will be rebuilt and at the garden level of the properties of Hampton Row a timber fence will be erected. These works are forthcoming and, where required, planning application will be submitted to the Local Planning Authority.

In terms of odours the submitted Operational Statement make it clear that the cafe will not serve hot food and will only serve food that will be pre-prepared and delivered to site. Therefore it is not envisaged that this will adversely impact on local residential amenity.

Similarly it is also not envisaged that the toilet facilities will contribute to odours and it will be incumbent on the applicants as operators to effectively manage this.

To conclude, the historic swimming pools possess considerable significance not only as a Grade II* designated heritage asset but also a local public and community asset. Furthermore, the swimming pools are likely to be regarded as an addition to Bath's offer of visitor attractions. The adverse issues relating to some impact on amenity to nearby local residents and their properties are acknowledged however in carefully assessing the proposals it is regarded that the wide-ranging benefits itemised above including heritage and community outweigh any potential adverse impacts. These impacts are also mitigated by the suggested conditions of the permission. Other adverse impacts have also been considered including harm to heritage and trees however, again, the considerable benefits are regarded as outweighing this harm. It is also acknowledged that the applicants have given due consideration to mitigating the adverse impacts both to local residential amenity, heritage and trees and information has been submitted to support this.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the proposals are consistent with the requirements of the primary legislation, planning policy and accompanying guidance.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 External Lighting (Bespoke Trigger)

Lighting for the development hereby permitted shall be installed and operated thereafter so that lux levels fall within the predicted light spill levels shown on the external lighting isoline drawing number CP-HYD-XX-GF-DR-E-2001 Revision PO1 by Hydrock dated 22nd February 2017. Prior to installation of new lighting, full details of proposed lighting

design must be first submitted to and approved in writing by the LPA. These details shall include:

1. Full specifications of proposed lighting including spectral composition and colour temperature of lamps and plans showing numbers, types, positions and heights of lamps
2. A lux contour plan showing predicted light spill levels arising from the proposed lighting scheme, which shall not exceed the predicted lux levels as shown on the approved plan CP-HYD-XXGF- DR-E-2001 Revision PO1 dated 22nd February 2017
3. details of all measures that shall be incorporated into the scheme to minimise light spill onto vegetation and avoid light spill onto adjacent land, thus minimising impacts on bats and other wildlife; for example, through use of: "warm white" LED; directional lighting, baffles and screening; time switches and remote sensors; adherence to specified times of use and use of dimming regimes.

Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: to avoid harm to protected species including bats and reptiles and to avoid harm to existing and retained habitats

4 Wildlife Protection Scheme (Bespoke Trigger)

No development shall take place until full details of a Wildlife Protection Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Findings of all necessary repeat or update surveys and pre-commencement checks for protected species, and/or proposed methods and scope of pre-commencement survey and proposed means of notification of the outcome of these to the LPA, prior to commencement of works.
- (ii) A method statement providing details of all proposed precautionary working methods, protection measures and construction materials necessary for the avoidance of harm to bats and their habitats.
- (iii) Details of a scheme designed to avoid harm to slow-worms and other reptiles, to include details and a mapped site boundary of proposed reptile translocation receptor site/s or provision of suitable retained reptile habitat within the site, as applicable.
- (iv) Proposed monitoring of the translocated rigid hornwort and proposed reporting of monitoring findings.
- (v) Details of all other necessary measures to avoid harm to wildlife and retained habitats and avoidance of harm to adjacent habitats including the River Avon.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: to avoid harm to protected species including bats and reptiles and to avoid harm to existing and retained habitats.

5 Demonstration of Compliance (Bespoke Trigger)

The development hereby permitted shall be carried out only in accordance with the approved Wildlife Protection Scheme. A report by a suitably experienced ecologist

confirming and demonstrating, through written confirmation and use of photographs, implementation of the each of the measures required by the Scheme shall be submitted to the local planning authority and approved in writing prior to use of the development.

Reason: to demonstrate satisfactory implementation of all necessary measures to avoid harm to ecology and protected species.

6 Flood Emergency Plan (Bespoke Trigger)

No occupation of the development shall commence until a Flood Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to section 10 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Emergency Plan shall be implemented in perpetuity.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with paragraph 17 and section 10 of the National Planning Policy Framework.

7 Noise Assessment (Bespoke Trigger)

The applicant shall submit a noise assessment to determine the impact arising from the construction and operational phases of the development. The assessment shall make reference to appropriate national guidance and standards and shall propose appropriate methods of noise mitigation. The proposed mitigation measures shall be fully implemented and maintained.

Reason: To protect neighbouring residents from noise arising from the construction and operation of the development.

8 Arboricultural Method Statement with Tree Protection Plan (Bespoke Trigger)

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

9 Arboricultural Certificate of Compliance (Bespoke Trigger)

No occupation of the development shall commence until a signed certificate of compliance with the Arboricultural Method Statement and tree protection plan by the appointed

Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan. To ensure that the approved method statement is complied with for the duration of the development.

10 Hard and Soft Landscape Scheme (Bespoke Trigger)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

11 Hard and Soft Landscape Scheme (Bespoke Trigger)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

12 Landscape Management Plan (Bespoke Trigger)

No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority in consultation with the Environment Agency.

The scheme shall include the following elements:

- o detail extent and type of new planting
- o details of maintenance regimes
- o details of any new habitat created on site
- o details of treatment of site boundaries and/or buffers around water bodies
- o details of management responsibilities

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

13 Flood Risk Assessment (Bespoke Trigger)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- 1) Inclusion of all resistance/resilience measures detailed within section 6.3 of the FRA.
- 2) Toilet and storage block in the north east corner must be of a floodable design and not adversely affect flood flows.

The mitigation measures shall be fully implemented prior to occupation and maintained for the lifetime of development unless otherwise agreed in writing, by the local planning authority in consultation with the Environment Agency.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

14 Flood Safety and Occupation of Cottage (Compliance)

The onsite accommodation cottage shall only be used as accommodation ancillary to the use of the pools. The ancillary accommodation shall not be occupied until such time as the high level walkway has been installed providing access/egress to higher ground.

Reason: Self-contained residential accommodation is inappropriate in this area and to allow for safe access/egress to occupants during times of flood.

15 Floodplain Compensation Storage (Bespoke Trigger)

No development shall take place until a scheme for the provision of floodplain compensation storage has been submitted, and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The operation of the scheme shall thereafter be carried out in accordance with the approved details.

Reason: To prevent any increase in flood risk elsewhere as a result of this development.

16 Highways - Construction Management Plan (Pre-commencement)

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

PLANS LIST:

CPT 1000A, CPT 1001A, CPT 1002A, CPT 1003A, CPT 1200A, CPT 1201A, CPT 1202A, CPT 1203, CPT 2001A, CPT 2002A, CPT 2003B, CPT 2004A, CPT 2005A, CPT 2006A, CPT 2200, CPT 2201A, CPT 2202, CPT 2203, CPT 2501, CPT 3200, CPT 3201, CPT 3202, CPT 3203, CPT 3204, CPT 3205, CPT 3206, CPT 3207, CPT 3208, CPT 3209, CPT 3210, CPT 3220, CPT 3800, CPT 3900, CPT 3901, CPT 3902, CPT 4000(1), AQUATIC VEGETATION SURVEY, BAT DETECTOR SURVEY, BAT SEARCH SURVEY, PHASE ONE HABITAT SURVEY, REPTILE SURVEY, NEWT SURVEY, RIGID HONWORT TRANSLOCATION, CONSERVATION MANAGEMENT PLAN, DESIGN AND ACCESS STATEMENT, HERITAGE STATEMENT, PLANNING STATEMENT, TRAVEL PLAN, PROJECT DEVELOPMENT AND COMMUNITY ENGAGEMENT and CONSERVATION MANAGEMENT PLAN GAZETTEER date stamped 17 November 2016.

181/4050/2, C151598 5001 B, C151598 5002 B, CPT 2000B, CPT 2500A, CPT 3221A, CPT 3222A, CPT 3223A, DIA.174_REV.4, CONSTRUCTION OPTIONS and OPERATING STATEMENT date stamped 20 February 2017.

CP-HYD-XX-GF-DR-E-2001 Rev P01 date stamped 2 March 2017.

CP-HYD-XX-ZZ-DR-M-4000 and CP-HYD-XX-ZZ-DR-ME-9000 date stamped 15 March 2017.

CONSTRUCTION ACCESS OPTIONS PLAN, EMERY CONSTRUCTION MANAGEMENT PLAN, ACCESS OPTIONS and email correspondence date stamped 16 March 2017.

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised and submitted proposals was taken and permission was granted.

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.

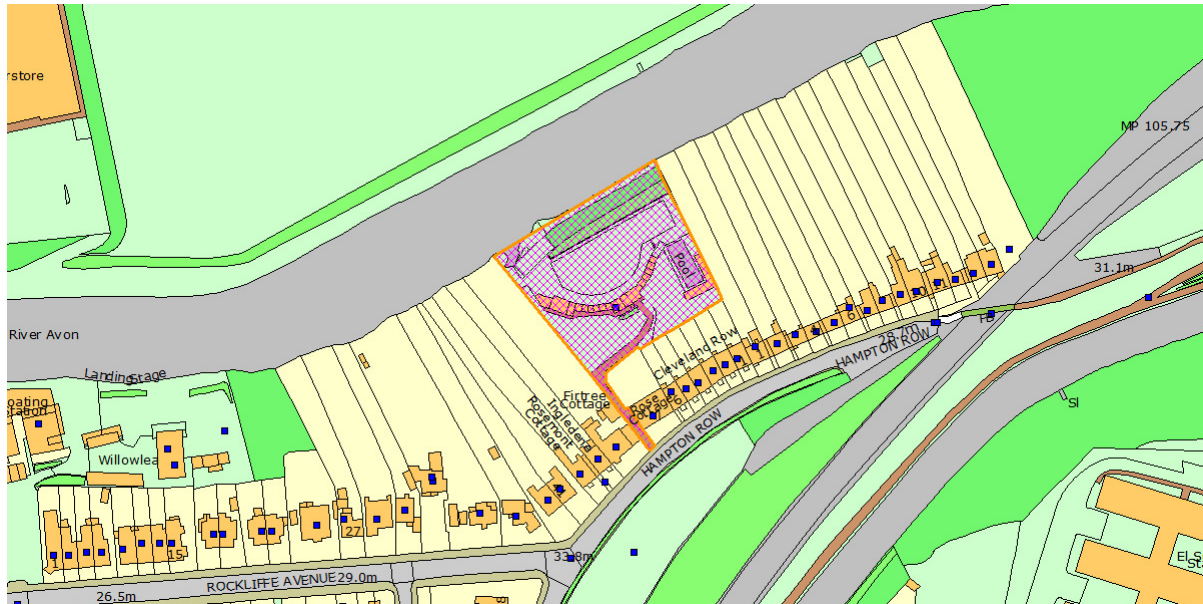
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Environment Agency Informative

Under the Environmental Permitting (England and Wales) Regulations 2010 permission from the Environment Agency may be required should any site/site infrastructure works take place in, under, over or within 8 metres of the bank top of the River Avon, a designated main river. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Under the terms of the Water Resources Act 1991, an Abstraction Licence may be required from the Environment Agency for the abstraction of water from any inland water or underground strata. This is dependent on water resource availability and may not be granted.

Item No: 07
Application No: 16/05633/LBA
Site Location: Cleveland Bath Cleveland Row Hampton Row Bathwick Bath Bath And North East Somerset



Ward: Walcot **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Fiona Darey
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal and external alterations for restoration of historic open-air public swimming pool and associated facilities
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Cleveland Pools Trust
Expiry Date: 18th January 2017
Case Officer: Adrian Neilson

REPORT

Reason for calling to committee:

The applications were referred to the Chair by Cllr Fiona Darey and the Chair provided the following reason for the applications to be added to the agenda for consideration at Committee:

I have studied the information linked to this short report & agree with the Ward Cllr that with the amount of community interest registered and with some justifications and solutions still to be clarified relating to some of the key issues with this application it should be determined by the DMC where it can be debated in public.

Site Description:

The protected property is a Grade II* listed building and lies within a designated conservation area and the wider World Heritage Site. The site was developed in the early C19 as a subscribing public swimming pool and is now the earliest surviving example of its kind in the country and therefore a highly significant heritage asset. It originally relied on a small section of diverted river (River Avon) that flowed through the site to provide the water for swimming however this was latterly altered and the river was blocked to create an enclosed pool and this remains the case today. Cleveland Pools has suffered from mixed fortunes and fell into disuse in the latter part of the C20 and was included on the Council's and Historic England's Buildings At Risk register. However, following the formation of the Cleveland Pools Trust, which now cares for the site, and considerable fund raising efforts, it is proposed for the pools to be brought back into community and visitor use. The proposals of the planning application, the construction of a pontoon to enable access to the site from the river, are part of a wide ranging project to enable reuse and restoration of the historic public swimming pool.

Proposal:

Internal and external alterations for restoration of historic open-air public swimming pool and associated facilities including: restoration of the historic swimming baths, cottage for permanent caretaker residential use and changing cubicles; enhancement and improvement of external floor surfaces and landscaping; construction of kiosk and cafe and toilet facilities; improved pedestrian access.

History:

DC - 00/01204/LBA - CON - 7 August 2000 - Repair and rebuilding of existing stone wall after removal of trees.

DC - 15/00955/FUL - PERMIT - 26 June 2015 - Erection of a pontoon with access steps on the River Avon and bank at Cleveland Pools.

DC - 15/03875/REM - WD - 23 November 2015 - Removal of conditions 1,2,3,4,5 of application

15/00955/FUL (Erection of a pontoon with access steps on the River Avon and bank at Cleveland Pools).

DC - 16/05632/FUL - PCO - Restoration of historic open-air public swimming pool and associated facilities.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England

- since their closure the structures that make up this significant group have fallen into disrepair, and are identified as being at risk from further deterioration on the national Heritage at Risk Register.
- the site's grade II* status places it in the top 6% of listed buildings.
- support the principal of the proposed works, although we have some reservations over some of the details, which we hope can be suitably resolved.

- Kiosk building: the location for the proposed new kiosk and plant room on the upper pool have been subject to most discussion. We support the position, form and design of this more significant addition to the site.
- Cottage Alterations: the buildings on the site are very little altered from their original construction form. We are supportive of the broad conservation principles adopted for the repair of the cottage, although we would question the justification for double-glazed sealed units within the replacement windows. We would encourage a more authentic form of window construction.
- It is also proposed to reinstate an earlier bridge into the first floor of the cottage from the South. While the bridge was not an original design feature of the building, its addition will not cause significant harm and the benefits of allowing independent access at this level will contribute in a positive way to the running of the site overall. However, the construction of the balustrade could be a little more refined with the possible omission of the wire mesh which appears quite functional.
- Access and Gateposts: access to site is via Hampton Row is narrow and steep and creates complex access issues. Proposals resolve these with the use of a mobility scooter. Alternative access from river via pontoon and boat but disabled access problematic. Concerns regarding loss and replacement of historic gate and piers associated with the site. Consideration should be given to the reuse of stone piers for the riverside access. Acknowledged that iron gate to be reused.
- the proposals include a degree of loss of historic fabric, and this is considered harmful to the overall significance of the heritage asset. This harm needs to be fully justified and weighed against the conservation gain and wider benefits.
- support for the principle of the full repair and reinstated use of the historic baths, as this would sustain the conservation of a highly graded heritage asset within the World Heritage Site.

Bath Preservation Trust (Support)

The Trust supports these proposals to restore this important historic and community asset and to bring it back to active public use. We congratulate the Cleveland Pools Trust on their committed and sustained efforts to reach this stage in the project. It is inevitable that with such an ambitious project there are challenges in conserving the fabric of the asset but these are, in our view, outweighed by the public benefits and the fact that the overall significance of the asset will be enhanced and better revealed to the public at large. We are confident to leave the finer details of conservation versus modernisation to the case officer, though we do question the loss of the staircase in the main cottage as this stair was and is a key part of the way the cottage has been used historically - ideally we would wish to see a solution that retains the historic arrangement. We understand that historic interpretation and education of the history of the site will be highly visible and accessible to the public on-site and we encourage this.

Ecologist

- the site is immediately adjoining and partly within the boundary of the River Avon Site of Nature Conservation Interest (SNCI). It supports water bodies, a range of buildings, and vegetation including tall semi-improved grassland and mature trees. It is well connected to nearby habitats used by bats and a range of other wildlife including newts, reptiles, aquatic vegetation and bats.
- the aquatic vegetation survey found a population of a locally scarce aquatic plant "Rigid Hornwort". A translocation exercise was undertaken to a suitable receptor site nearby. A

monitoring programme is referred to, which would be necessary to establish the success or otherwise of this exercise. This must be implemented and must be secured by condition.

- a population of slow worms was identified - reptile mitigation strategy will be required prior to works. This can be secured by condition.
- comprehensive suite of ecological survey and assessment has been submitted.
- the submitted lux plots shows the proposed lighting as modelled and appears to be sensitively designed, low-level lighting. It will avoid light spill onto the River Avon and adjacent tree line which I would consider to be the most sensitive habitats at the site.
- part of the western boundary tree line is subject to light levels of up to 2 lux and consider reducing this further, or screen the tree line from the lights here. However, this tree line is however of less critical ecological value than the river and its banks and on balance I consider the proposed lighting levels are acceptable.
- The scheme must be secured by condition which should be worded to allow further revisions if necessary but so that the final scheme does not exceed the light spill levels shown on the approved plan.
- Final details should include a little more information about lamp specifications and spectral composition; this can be secured as part final details to be approved by condition.
- the bat surveys are complete and satisfactory, and conclude that, although offering bat roost potential, the buildings at the site are not currently used as bat roosts. Re-inspection for bats will be required prior to any works affecting the roof or other features with bat roosting potential.
- pre-commencement updates to bat surveys can be secured by condition in this case.
- secured by condition requiring an Ecological Method Statement will be secured by condition. The bat survey also notes that the
- removal of any habitat (eg trees) used by bats would need to be compensated for.
- I note the concerns raised regarding likely harm to horse chestnut trees that would result from the proximity of the toilet block. Should this proposal be considered at committee prior to this issue being resolved to the satisfaction of the B&NES Arboricultural Officer, I would request that the advice about likely harm to this tree and the potential further implications of this harm are made clear to members to inform their decision.

Bath Heritage Watchdog (Support)

Ben Howlett MP (Support)

This letter is to recommend the application of the Cleveland Pools Trust for the Heritage Lottery Fund Round 2. The Cleveland Pools are a valuable part of Bath's cultural heritage, as the only Georgian lido in the whole of England. They were operated until 1984, as a historic public leisure facility and centre of community life. The Cleveland Pools Trust aims to restore and revive the site.

If the group can carry out this valuable work, the site will be the world's first naturally treated, heated outdoor swimming pool. In research surrounding another World Heritage bid in the City of Bath, research of spa towns across Europe revealed that the Cleveland Pools are one of the only surviving outdoor cold-water bathing facilities and the oldest of all such facilities. Restoration of the Cleveland Pools would contribute to our understanding of Bath's rich history and allow a new generation of visitors to visit this significant site.

The Cleveland Pools are listed as a Grade II* World Heritage Site, and the structure carries significant historic importance. The site represents an outstanding architectural landmark of universal value, meeting the selection criteria for inclusion on the World Heritage List. Revitalization of the Cleveland Pools would represent the values of our city, emphasizing our commitment to the community and to preserving sites of cultural import. The significance of the site clearly indicates that the UK Government has an obligation, as per their agreement to the 1972 UNESCO convention commitment, to conserve and protect this World Heritage Site for future visitors and residents. This restoration work remains a matter of urgency for our city. The Cleveland Pools are listed on the national 'Buildings at Risk Register,' a list of buildings that require imperative restoration work in order to be protected. In the whole of the City of Bath, only two such buildings exist. Funding preservation work on critically threatened sites, such as the Pools, remains a priority for the World Heritage Site Steering Group. In order to preserve this historic location, the revitalization of the structure must be undertaken and funded as swiftly as possible.

Funding the reopening of the Cleveland Pools would prove invaluable for the city of Bath. The current neglect of the structure does a disservice to this aspect of Bath's historical fabric. The unique Georgian structure, the oldest of its kind, should be a testament to our country's commitment to preservation of significant heritage sites and a positive reflection of our history. Furthermore, the site has the potential to become a centre of the local community, celebrating sport and architecture in our city. I hope that the significance of the Cleveland Pools, the urgency of the necessary work at the site, and the benefits of restoring the structure speak to the strength of the Cleveland Pools Trust's application for the Heritage Lottery Round 2 funding. Thank you for your consideration of this project.

Representations

53 comments of support have been received. The supporting comments can be summarised as follows:

- Heritage benefits from reuse, restoration and reinstatement of heritage asset.
- social, economic and community benefits.
- Cleveland Pool is unique and should definitely be preserved;
- important heritage asset of Bath and UK heritage will be saved;
- will provide a wonderful and beautiful amenity for locals and visitors alike'
- worthwhile project;
- asset for Bath;
- excellent facility that will encourage children and adults to swim and take exercise;
- site is of incredible historical & cultural interest;
- important element of Bath's long-standing heritage and association with public health derived from water;
- historic pools should be saved from further decay and restored to be enjoyed by community/visitors;
- restore a facility for Bath families to enjoy that will have health benefits;
- applicants and application has responded to sensitivities of local residents;
- will encourage increased use of the river;
- social/community/visitor/economic/heritage benefits from reuse;

63 objections have been received. The objections can be summarised as follows:

Potential harm to:

- ecology, habitat, fauna and flora: toilet block will cause physical harm to trees, result in loss of habitat and cause visual harm to the river bank.
- historic buildings, archeology: loss and removal of front entrance gate and piers; concreting over Ladies' Pool; location and alteration of the upper mid-C19 pool to accommodate swimming pool plant; location of the kiosk will cause further harm to the mid-C19 pool; generally harm or loss of all pre-1900 structures apart from the cottage and cubicles; proposals generally counter to heritage protection in favour of commercial considerations;
- no studies undertaken to assess impact of 'business development ' local residents/community
- residential amenity: noise levels; impact on privacy; odours from cafe, toilet block, refuse; negative impact as a result of large commercial enterprise...large visitor attraction... severely damage the local community's quality of life; increase in levels/volume of vehicular traffic; lack of analysis of its impact on highway safety; increase in air pollution; business-like approach counter to residential area; proposals too intensive/over-development;
- inadequate access provision;
- none of the issues have have been addressed by the planning application or submitted information;
- lack of community involvement;
- proposals contravene BANES' own local plan: policy BH.13;

POLICIES/LEGISLATION

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

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The 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 Council's development plan comprises:

- Bath & North East Somerset Adopted Core Strategy
- Saved policies in the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)
- Adopted Neighbourhood Plans

The following policies of the Adopted Core Strategy are relevant to the determination of the application:

- CP6 - Environmental quality
- B4 - The World Heritage Site and its setting

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy.

Relevant Local Plan policies:

- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas
- D.2 - General design and public realm considerations
- D.4 - Townscape considerations

Historic Environment Good Practice Advice in Planning Notes issued by Historic England:

- Making Changes to Heritage Assets
- Managing Significance in Decision-Taking in the Historic Environment
- The Setting of Heritage Assets

Bath and North East Somerset Council planning policy guidance:

- Energy Efficiency & Renewable Energy Guidance: for Listed Buildings and Undesignated Historic Buildings (September 2013).
- Draft Bathwick Character Appraisal, Bath Conservation Area (this currently carries limited weight in planning terms).

Placemaking Plan

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report.

The following policies are given significant weight:

HE1- Historic Environment

OFFICER ASSESSMENT

The heritage asset, which is an historic public swimming pool dating from the early C19 was in continuous use as a community leisure facility right up until the latter part of the C20 but then closed and fell into disuse. It is included on the Council's and Historic England's Buildings At Risk register. Latterly a local amenity group, the Cleveland Pools Trust, was formed specifically focusing on the pools and with the aim to bring the pools back into use. Therefore the current proposals relate to the reinstatement of the swimming pool for the benefit of the community and visitors alike.

Note there is a parallel planning application - ref: 16/05632/FUL.

To achieve this aim the entire site has been considered in terms of access from the highway and the river, reusing, repairing and restoring the existing historic cottage as a visitor facility on the ground floor and caretaker accommodation on the first floor, dividing

the pool to create a large, principal pool and a separate children's pool, refurbish the historic, external changing cubicles, construct a new toilet/shower block and use the later mid-C19 pool for the location of the pool plant and location of a new cafe and kiosk and replacement of the existing, external floor surfaces using more appropriate materials.

The proposals in detail include the following:

- repair and restoration of the historic cottage and changing cubicles including: the removal of modern paint from ashlar stonework; stone repair and roof repair; reinstatement of lost architectural features such as appropriately detailed windows and rainwater goods; installation of appropriate and high quality floor surfaces such as natural stone around the pool and cottage and landscaping including the planting of trees and the removal of inappropriate tree species that will also contribute to the enhancement and presentation of the site.

- it is proposed to use narrow profile double glazing within the new timber windows. Whilst double glazing can be a contentious when used within historic buildings, in this instance, it is regarded as justifiable on the basis of heritage benefits. This is a significant heritage gain that will result in an improvement in the appearance and an appropriate presentation of the historic building. This approach is consistent with the Council's policy guidance regarding retrofitting and energy efficiency of historic buildings.

- the removal of the front entrance historic gate piers and gate in order to create a wider access to accommodate a mobility buggy. Whilst this is not desirable it is acknowledged that this is important to achieve inclusive access, which is a crucial element for a public and community facility. Furthermore, it is clear from the evidence provided by the applicant that the gate has been altered and this has reduced its significance and interest. The stone gate piers will not be reused however the iron will be reused for the river entrance and access.

- The bridge that will allow independent access to the first floor of the cottage to enable separate use as caretaker accommodation. Likewise, this is regarded as important for the operation of the facility and it is noted that there is documentary evidence of a bridge in this location and disturbed stone work also provides some physical evidence. It is likely that the need for a bridge historically was as a result of winter flooding events and likewise is regarded as an important element of the proposals by the Environment Agency in mitigation of the flood risk to occupants of the accommodation. The design of the bridge is appropriately simple and visually lightweight achieved by narrow sections using steel. It is also clearly legible as a modern intervention and distinct from the historic building and subservient to it.

- the location of the swimming pool plant and new visitors centre and kiosk within the mid C19 century pool. Whilst this results in some loss of significance of a later phase of development of the pools pragmatically, within such a constrained site where there are very limited opportunities for the siting of facilities and plant that will not compromise ecology, trees and heritage, this is regarded as the least harmful option. The initial location for the plant, adjacent to the river, was latterly discounted for reasons of adverse issues relating to flooding and harm to trees. It is also worth noting that the mid-C19 pool was also latterly altered including a new concrete lining and alterations to its size and proportions and this has reduced its significance and authenticity. However, the plant will

be able to be installed largely within the confines of the existing pool and the new kiosk has been aligned to better relate and express the shape of the pool to enhance legibility. This approach is regarded as sensitive and thoughtful and partially mitigates the harm.

- sub-division of the early C19 pool creating a small children's pool at the east end. This is regarded as an important alteration that will create a more inclusive facility. Furthermore, this is regarded as causing limited harm and this part of the pool was latterly altered to increase its size in the C20.

Any elements of harm to the heritage asset and its setting as identified above are weighed and balanced against substantial heritage gains and public, community, social and economic benefits, not least the reuse and reinstatement of a heritage asset that has been at risk and unused for over two decades. Furthermore, in addition to this overriding benefit the proposals will also result in restoration of the buildings and landscape work including the planting of trees and the removal of inappropriate tree species that will also contribute to the enhancement and presentation of the site.

To conclude and in summary, the Cleveland Pools are a highly significant and unique heritage asset that is a rare survival of its type. It is also an important facility in terms of local experience and memory and has clearly played an important part in the lives of the local community. The proposals will result in the restoration, conservation and public reuse of a heritage asset that has been derelict and at risk for over two decades and the approach is regarded as sensitive and enhancing at the same time resulting in a level of harm that is weighed against substantial wide ranging benefits. Under the terms of the National planning Policy Framework the proposals would cause less than substantial. Paragraph 134 of the National Planning Framework directs that less than substantial harm to a heritage asset should be weighed against the public benefits of proposals. In the case of the proposals for the reuse of Cleveland Pools the public benefit has been clearly demonstrated, and in this instance are considered to outweigh the harm.

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. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that, on balance, the proposals will preserve the architectural interest and character of the heritage asset and will enhance the Conservation Area and are therefore consistent with the aims and requirements of the primary legislation, planning policy and accompanying guidance.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Plans List (Compliance)

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

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

3 External Lighting (Bespoke Trigger)

Lighting for the development hereby permitted shall be installed and operated thereafter so that lux levels fall within the predicted light spill levels shown on the external lighting isoline drawing number CP-HYD-XX-GF-DR-E-2001 Revision PO1 by Hydrock dated 22nd February 2017. Prior to installation of new lighting, full details of proposed lighting design must be first submitted to and approved in writing by the LPA. These details shall include:

1. Full specifications of proposed lighting including spectral composition and colour temperature of lamps and plans showing numbers, types, positions and heights of lamps
2. A lux contour plan showing predicted light spill levels arising from the proposed lighting scheme, which shall not exceed the predicted lux levels as shown on the approved plan CP-HYD-XXGF- DR-E-2001 Revision PO1 dated 22nd February 2017
3. details of all measures that shall be incorporated into the scheme to minimise light spill onto vegetation and avoid light spill onto adjacent land, thus minimising impacts on bats and other wildlife; for example, through use of: "warm white" LED; directional lighting, baffles and screening; time switches and remote sensors; adherence to specified times of use and use of dimming regimes.

Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: to provide a sensitive lighting scheme that avoids harm to bat activity and other wildlife.

4 Wildlife Protection Scheme (Bespoke Trigger)

No development shall take place until full details of a Wildlife Protection Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Findings of all necessary repeat or update surveys and pre-commencement checks for protected species, and/or proposed methods and scope of pre-commencement survey and proposed means of notification of the outcome of these to the LPA, prior to commencement of works.
- (ii) A method statement providing details of all proposed precautionary working methods, protection measures and construction materials necessary for the avoidance of harm to bats and their habitats.

(iii) Details of a scheme designed to avoid harm to slow-worms and other reptiles, to include details and a mapped site boundary of proposed reptile translocation receptor site/s or provision of suitable retained reptile habitat within the site, as applicable.

(iv) Proposed monitoring of the translocated rigid hornwort and proposed reporting of monitoring findings.

(v) Details of all other necessary measures to avoid harm to wildlife and retained habitats and avoidance of harm to adjacent habitats including the River Avon.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: to avoid harm to protected species including bats and reptiles and to avoid harm to existing and retained habitats.

5 Demonstration of Compliance (Bespoke Trigger)

The development hereby permitted shall be carried out only in accordance with the approved Wildlife Protection Scheme. A report by a suitably experienced ecologist confirming and demonstrating, through written confirmation and use of photographs, implementation of the each of the measures required by the Scheme shall be submitted to the local planning authority and approved in writing prior to use of the development.

Reason: to demonstrate satisfactory implementation of all necessary measures to avoid harm to ecology and protected species.

6 Archaeology - Historic Building Recording: Recording of Upper Pool (Bespoke Trigger)

No development or demolition shall commence of the upper pool site, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the building(s), which are to be demolished, disturbed or concealed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

7 Stone Cleaning Sample (Pre-commencement)

No work shall commence on the stone cleaning until a sample panel has been provided in-situ to establish the final parameters of the stone cleaning and approved in writing by the Local Planning Authority. The approved panel shall be kept on site for reference until the development is completed. Thereafter the work shall only be carried out in accordance with the approved sample panel.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

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

Prior to the installation and application of internal and external materials and finishes a detailed schedule and samples of the materials and finishes to be used including roofing, rainwater goods, walling including mortar, metalwork, floor surfaces including natural stone and limecrete and paint finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

PLANS LIST:

CPT 1000A, CPT 1001A, CPT 1002A, CPT 1003A, CPT 1200A, CPT 1201A, CPT 1202A, CPT 1203, CPT 2001A, CPT 2002A, CPT 2003B, CPT 2004A, CPT 2005A, CPT 2006A, CPT 2200, CPT 2201A, CPT 2202, CPT 2203, CPT 2501, CPT 3200, CPT 3201, CPT 3202, CPT 3203, CPT 3204, CPT 3205, CPT 3206, CPT 3207, CPT 3208, CPT 3209, CPT 3210, CPT 3220, CPT 3800, CPT 3900, CPT 3901, CPT 3902, CPT 4000(1), AQUATIC VEGETATION SURVEY, BAT DETECTOR SURVEY, BAT SEARCH SURVEY, PHASE ONE HABITAT SURVEY, REPTILE SURVEY, NEWT SURVEY, RIGID HONWORT TRANSLOCATION, TRAVEL PLAN, TREE CONSTRAINTS PLAN, CONSERVATION MANAGEMENT PLAN, DESIGN AND ACCESS STATEMENT, HERITAGE STATEMENT, PLANNING STATEMENT and CONSERVATION MANAGEMENT PLAN GAZETTEER date stamped 17 November 2016.

181/4050/2, C151598 5001 B, C151598 5002 B, C151598 5002 B FLOOD STORAGE SUMMARY, CPT 2000B, CPT 2500A, CPT 3221A, CPT 3222A, CPT 3223A and DIA.174_REV.4, TOPOGRAPHICAL SURVEY, CONSTRUCTION OPTIONS, OPERATING STATEMENT, date stamped 20 February 2017.

K & A CANAL NEW BENCHES AND CYCLE PARKING LOCATIONS (TC8762/031) date stamped 3 March 2017.

CP-HYD-XX-GF-DR-E-2001 Rev P01 date stamped 2 March 2017.

CP-HYD-XX-ZZ-DR-M-4000 and CP-HYD-XX-ZZ-DR-ME-9000 date stamped 15 March 2017.

HAMPTON ROW 13 PLAN, HAMPTON ROW 13 tree survey, 181/4050/2, 3223 REVISION A, CP-HYD-XX-ZZ-DR-M-4000 REVISION P03, CP-HYD-XX-ZZ-DR-ME-9000 REVISION P04, ACCESS OPTIONS, CONSTRUCTION ACCESS OPTIONS PLAN, CONSTRUCTION MANAGEMENT PLAN, EMERY CONSTRUCTION MANAGEMENT PLAN, FLOOD RISK ASSESSMENT, FLOOD RISK ASSESSMENT - APPENDIX A, FLOOD RISK ASSESSMENT - APPENDIX B, FLOOD RISK ASSESSMENT - APPENDIX C and FLOOD RISK ASSESSMENT - APPENDIX D and FLOOD RISK ASSESSMENT - APPENDIX E date stamped 16 March 2017.

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised and submitted proposals was taken and consent was granted.

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.

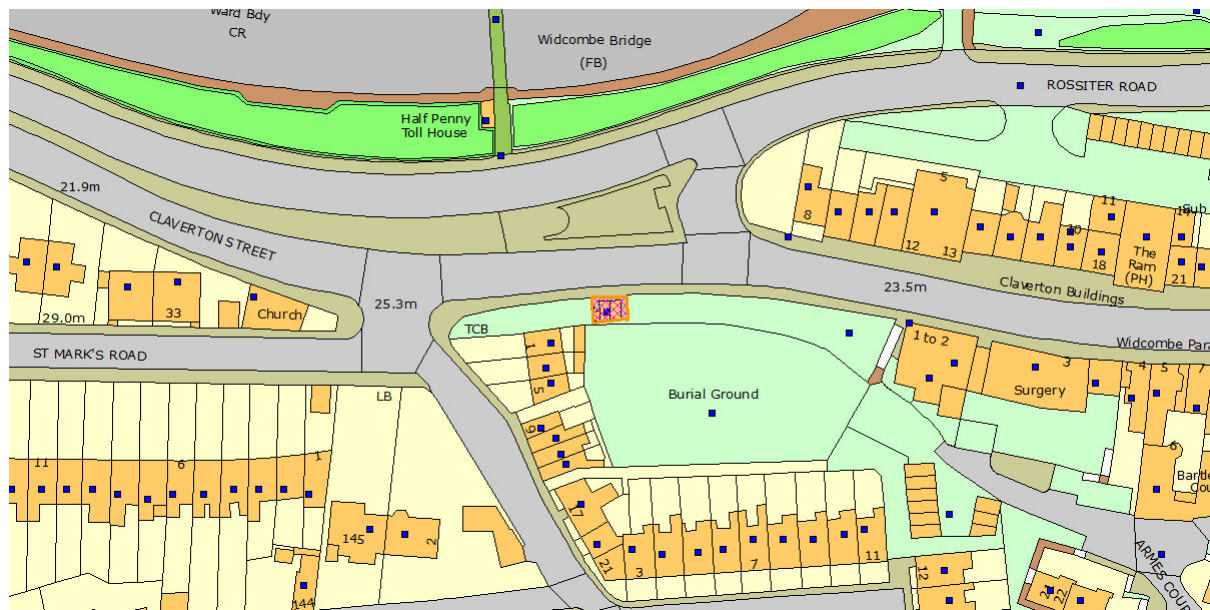
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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 a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Item No:	08
Application No:	16/06062/FUL

Site Location: Closed Public Toilets Claverton Street Widcombe Bath Bath And North East Somerset



Ward: Widcombe

Parish: N/A

LB Grade: N/A

Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker

Application Type: Full Application

Proposal: Erection of 2 storey office building following demolition of existing former WC Block.

Constraints: Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Article 4, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,

Applicant: HamburyHird Design Ltd

Expiry Date: 14th February 2017

Case Officer: Tessa Hampden

REPORT

Reason for reporting this application to committee.

Cllr Gilchrist, Ward Member, has requested that if this application is to be recommended for permission it is first considered by Committee. There is concern with regards to the height of the building and the impact this has on the area. For this reason, the Chair of Committee has agreed to this request.

Site description and proposal

The application relates to a former public toilet facility located on the south side of Claverton Street in the Widcombe Area of Bath. The site is within the Conservation Area and the wider World Heritage Site. The existing building sits in front of a listed burial ground wall.

The application seeks planning permission for the erection of the two storey office building following demolition of the existing former WC building.

An application for a two storey office building on this site was refused planning permission in 2012 for the following reason:

The proposed development, due to its inappropriate height, design and use of materials is considered to appear as an incongruous addition, in an isolated position in the street scene. This would have a resultant harmful impact upon the character and appearance of this part of the City of Bath Conservation Area and the setting of the adjacent listed wall. The development is therefore contrary to policies D2, D4, BH2 and BH6 of the Bath and North East Somerset Local Plan (including minerals and waste) 2007.

The application has been submitted to overcome this previous reason for refusal. The proposal puts forward a building of a reduced scale and revised design. It is important to note that the site context has changed since this previous decision due to the pavement in front of the application site being extended significantly as part of the Rossiter Road scheme and public realm improvements.

Relevant planning history

DC - 07/03255/FUL - Refuse - 11 June 2008 - Erection of a two storey house following demolition of existing public toilets

DC - 07/03257/CA - Consent - 19 December 2007 - Demolition of existing public toilets

DC - 11/03569/FUL - Withdrawn - 1 November 2011 - Erection of a two storey business starter unit following demolition of the former public convenience

DC - 12/05463/FUL - RF - 5 December 2013 - Erection of a two storey business starter unit following demolition of the former public convenience

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboricultural Officer - following receipt of additional information - no objection subject to conditions to include succession planting and tree protection and construction methods controlled.

Urban Design Officer - no objection; development takes its cues from Widcombe Parade and is considered to be acceptable.

Conservation Officer - objection; the development is considered to harm the setting of the adjacent listed wall and this part of the Conservation Area

Highway Development - no objection; no parking provision is considered to be acceptable in this sustainable location

Cllr Gilchrist - Requests that this application is heard by DMC if minded to approve. Two similar applications for the site have already been made and both refused. It would be

useful for DMC members to have the opportunity to consider the assertion that a two-storey building in this location would be disproportionate.

Bath Preservation Trust - objects to this application on the basis that it constitutes overdevelopment of the site. Concerned about the scale of the proposed scheme and the two storey height, which while sloping down and not overtopping the wall, still appears to overtop the historic wall on the front elevation which gives an awkward visual relationship with it. Not enough information to inform us of how the building will be constructed and how the wall and views of the open burial ground will be protected and its significance unharmed.

Widcombe Association -whilst pleased to see this now derelict building brought into use or redeveloped, there are concerns with the current proposals, especially the means of access for construction and in future use. There are also concerns that any lighting of the office building and signage must be sensitively designed.

6 objection comments and 1 general comment has been received which can be summarised as follows:

- Over development of the site
- Inappropriate design, scale and siting
- Loss of green space
- Impact upon trees
- Inappropriate use/lack of need
- Lack of parking
- Impact upon the listed wall and surrounding Conservation Area.

POLICIES/LEGISLATION

From the 10th July 2014 the Development Plan for Bath and North East Somerset comprises:

- o Bath and North East Somerset Core Strategy (July 2014);
- o Saved policies from the Bath and North East Somerset Local Plan (2007);
- o West of England Joint Waste Core Strategy (2011).

The following policies of the Core Strategy are relevant to the determination of this application:

CORE STRATEGY

- DW1: District Wide Spatial Strategy
- B1: Bath Spatial Strategy
- B4: The World Heritage Site and its Setting
- CP2: Sustainable Construction
- CP6: Environmental Quality
- CP12: Local Centres

Save policies of the Bath and North East Somerset Local Plan.

- CF1 Protection of Community facilities

D.2:	General Design and public realm considerations
D.4:	Townscape considerations
BH.6:	Conservation Areas
S.8:	District, Local and Village Centres
ET2	Office Development
T.24:	General development control and access policy
NE4	Trees and Woodlands
NE10	Nationally important species and habitats
NE11	Locally important species and habitats

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

SD1 - Presumption in favour of sustainable development
 CP2 - Sustainable construction
 CP7 - Green Infrastructure
 SU1 - Sustainable drainage
 D1, D2, D3, D4, D5, D6 - Design and amenity
 D10 - Public realm
 NE1 - Development and Green Infrastructure
 NE2 - Conserving and Enhancing the Landscape and Landscape Character
 NE6 - Trees and woodland conservation
 ED1 Office Development

The following policies are relevant and have significant weight:

D8 - Lighting
 NE2A - Landscape setting of settlements
 NE3 - Sites, species and habitats
 H1 Historic Environment
 ST7 Transport requirements for managing development

National guidance in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance are also material considerations.

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

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

OFFICER ASSESSMENT

Principle of development

Saved policy ET.2 covers office development within the District. Part (3) of ET.2 states that proposals for net gains of office floorspace will be supported in principle provided that the site is within or very closely associated with the central area of Bath, and must be accessible to a range of transport modes. The site is not located within the city centre Core Office Employment Area, but is less than 200m from the edge of this area which also contains the train station and bus station. The site should therefore be considered as very closely associated with the centre of Bath and is clearly accessible to a range of transport modes. Policy B1 of the Core Strategy states that the focus for new office development in Bath should be within and adjoining the city centre. The applications site should be considered as adjoining the city centre and therefore complies with this policy.

Further, the B&NES Economic Strategy which states that where feasible, Bath and North East Somerset Council should use assets more creatively to facilitate the set-up of more incubation hubs and managed business space - which can start small and build momentum over the years. The proposed use for the application site is consistent with this approach.

It is noted that the emerging Placemaking Plan ED(1) states that proposals for office development within city and town centre boundaries, or on sites specifically allocated for this purpose are acceptable in principle. As stated above, this site is just outside of the City Centre boundary, and adjacent to Widcombe local centre. Looking at the aims of the Development Plan, Core Strategy Policy CP12 seeks to ensure that active ground floor uses are maintained and enhanced in such locations. The emerging Placemaking Policy CR3 aims to support vitality and viability and promote diversity within the centres identified in Core Strategy Policy CP12 by maintaining a healthy mix of uses within a variety of unit sizes capable of accommodating a range appropriate uses by attracting pedestrian activity and footfall to the centre as long as it doesn't significantly harm the amenity of the area.

The existing public toilets by their location and functional relationship to the existing centres could be considered adjoining the local centre. The scale and type of the proposed uses is consistent with the existing function and its character, and are reasonably well integrated into the existing pattern of the centre.

Considering all of the above, there is therefore no objection in principle to this development.

Character and appearance

The existing toilet building has no strong architectural or historic value. Its loss would therefore not be resisted subject to any replacement building preserving or enhancing this part of the City of Bath Conservation Area.

The area in front of the block has recently changed as part of a public realm improvement scheme for Widcombe Parade, with the extent of footway considerably extended. This provides a markedly different setting to the proposed replacement building when compared to that when the previous application for a replacement building was considered.

The application site is a sensitive and highly visible site within the City of Bath Conservation Area. It is important to the setting of the listed wall and burial ground behind and can also be viewed in context of the views along Widcombe Parade. Views of the toilet block and wall is however partly screened by existing mature landscaping which contributes to the character and appearance of this part of the Conservation Area.

The construction of the toilet block in the postwar years visually interrupted the continuous open character of the historic green verge and intruded on the character of the south side of Claverton Street. The current scheme is for a lower building than has previously been considered which the sections indicate is below the top of the listed wall. However, it is noted that for the length of the new building the wall will be concealed. Concerns have been raised by the Council's Conservation Officer that a building of two stories will exacerbate the visual intrusion caused by the existing building reducing the presence in the street. It is therefore considered that there is a degree of harm to the setting of the listed wall and the part that this plays in the Conservation Area. It should be noted however that the building will only obscure a section of the length of the wall and it will still retain a strong relationship with the public realm.

Notwithstanding the above, looking at the replacement building, the scheme replaces the building with business premises compatible with the character of Widcombe. The design development appears to be grounded in appropriate cues taken from Widcombe Parade shop fronts. The building presents the road with an active frontage, and additional windows have been included on the side elevations facing Widcombe Parade. The upper storey is of reduced height and has been designed to minimise the building height whilst achieving rooms over two floors. Given this and the changes to the context to the site with the extended footway providing a more general setting, the building is not considered to be appear overly prominent or cramped in this location.

Whilst the proposed building is physically unrelated to any surrounding built form apart from the cemetery wall, the use of design cues from Widcombe Parade help to visually link the proposal to the area. The submission illustrates that the principle external material is dressed Bath Stone. The roof and protruding ground floor window elevation are clad in zinc material that, whilst complimenting the stone, differentiates the ground floor from the first floor. This is a feature consistent with Widcombe Parade. The proposed building has a frontage that is directly adjacent to the public footpath. The buildings along Widcombe Parade demonstrate a similar relationship between public and commercial space.

Overall the proposed building is considered to be of a satisfactory scale, design and uses appropriate materials. Some elements of harm have however been identified. The National Planning Policy Framework distinguishes between 'substantial harm' and 'less than substantial harm' when referring to the impact upon the significance of a heritage asset. When a proposed development 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. The harm in this case in relation to the setting of the listed

wall is considered to be less than substantial. This will be addressed in the concluding part of this report.

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, is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that there is some harm to the setting of the adjacent listed wall, and this will be considered in the overall conclusion of this report.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that, looking at the scheme overall, the character and appearance of this part of the City of Bath Conservation Area is preserved.

Ecological Issues

A satisfactory completed bat survey has been submitted which finds the building has negligible bat roost potential. Works should be timed to avoid harm to nesting birds during site and vegetation clearance; this should be secured by condition.

Residential amenity

The development, which is set adjacent to the larger boundary wall is not considered to result in an overbearing impact, loss of privacy or any other noise and disturbance to any neighbouring occupiers. Overall therefore the development is not considered to result in any significant harm to the residential amenity currently enjoyed by the neighbouring occupiers.

Arboricultural issues

The Arboricultural Officer originally raised concerns with the application due to the proximity of the building to the neighbouring trees and the potential damage to trees that whilst not worthy of a Tree Preservation Order, contributed positively to the visual amenities of the area. Following discussions with the agent, the objection has been removed subject to a number of requirements being met. This includes tree protection, control over construction methods and succession planting on the adjacent green space which will be secured through condition.

Highway safety

There are no proposals to provide any parking as part of the changes, and indeed it is not practical or desirable to try to provide any in this location. The width of the westbound carriageway between Widcombe Parade and Lyncombe Hill is restricted to a single wide lane which, coupled with the controlled zone restrictions in force, will serve to dissuade waiting or loading adjacent to the proposed building, although vehicles pulling up onto the wide footway area for the purposes of office deliveries is a potential risk. The nearest available parking to the proposed office is in Widcombe Parade, which has limited waiting restrictions in force.

This is a highly accessible location in the City Centre close to both the railway station and bus station. Moreover, the replacement parking standards in the Draft Placemaking Plan have much more restrictive maximum provision for offices (B1) in Bath, with a one space per 400sqm GFA limit in the City Centre Zone and a one space per 100sqm limit in the remainder of the city (Outer Zone). This site lies within the Outer Zone, but right on the boundary with the City Centre Zone. Either way, the maximum limit when applying the new standard is at best one space, or effectively nil parking provision.

The development is therefore considered to result in any highway safety issues.

Planning balance

It has been recognised above that the building will intrude onto views of the listed wall. The harm identified to the heritage asset is considered to be less than substantial, and when weighing this up against the public benefits of the proposal, under paragraph 134 of the NPPF; this is considered to be acceptable. The building provides a space which is designed as a start up business hub which will provide space for a business to operate in a sustainable location, providing wider economic benefits and contribute to the vitality and viability of the adjacent local centre. The development will replace a building on the site that if is not developed is likely to fall into disrepair which could result in a negative attribute in the Conservation Area. On balance therefore, the impact upon the heritage asset is considered to be outweighed by the public benefits of the proposal.

Other issues

No other significant issues have arisen as a result of this planning application but for the reasons as outlined above, this application 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 Arboricultural Method Statement (Pre-commencement)

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The statement should include all trees within the site and on the boundary of the site within neighbouring properties whose canopies and/or Root Protection Areas lie within or encroach upon the site or any access routes to it; the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and

mixing of materials on site; the burning of materials on site; the location of site office; service run locations including soakaway locations; and the movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan 2007 and Policy NE6 of the Bath and North East Somerset draft Placemaking Plan 2015. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

3 Tree replacement - off site contribution (Pre occupation)

Prior to the occupation of the development hereby approved the replacement planting of two trees off site shall be secured in line with the details contained in the Bath and North East Somerset Council revised Planning Obligations Supplementary Planning Document, adopted on 6th April 2015 Section 3.5. The level of contributions required shall be set at £735.28 per tree £1,470.56.

Reason - to ensure that the adverse impact of the development proposals on existing off site trees on public land is mitigated through the planting and establishment of replacement tree planting.

4 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 NE.11 of the Bath and North East Somerset Local Plan

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

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

6 Highways - Construction Management Plan (Pre-commencement)

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

7 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:

14 Dec 2016	188.001	EXISTING LAYOUT & SITE PLAN
14 Dec 2016	188.002	EXISTING ELEV AA, BB, CC
14 Dec 2016	188.050	PROPOSED DEMOLITIONS
14 Dec 2016	188.100	PROPOSED GROUND FLOOR LAYOUT
14 Dec 2016	188.102	PROPOSED ROOF PLAN
14 Dec 2016	188.200	PROPOSED SITE ELEVATION
14 Dec 2016	188.201	PROPOSED FRONT ELEVATION A
14 Dec 2016	188.203	PROPOSED SIDE ELEVATION C
14 Dec 2016	188.204	PROPOSED REAR ELEVATION D
06 Feb 2017	188.101 (A)	PROPOSED FIRST FLOOR PLAN
06 Feb 2017	188.202 (A)	PROPOSED SIDE ELEVATION B

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. 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

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

Condition Categories

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

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

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

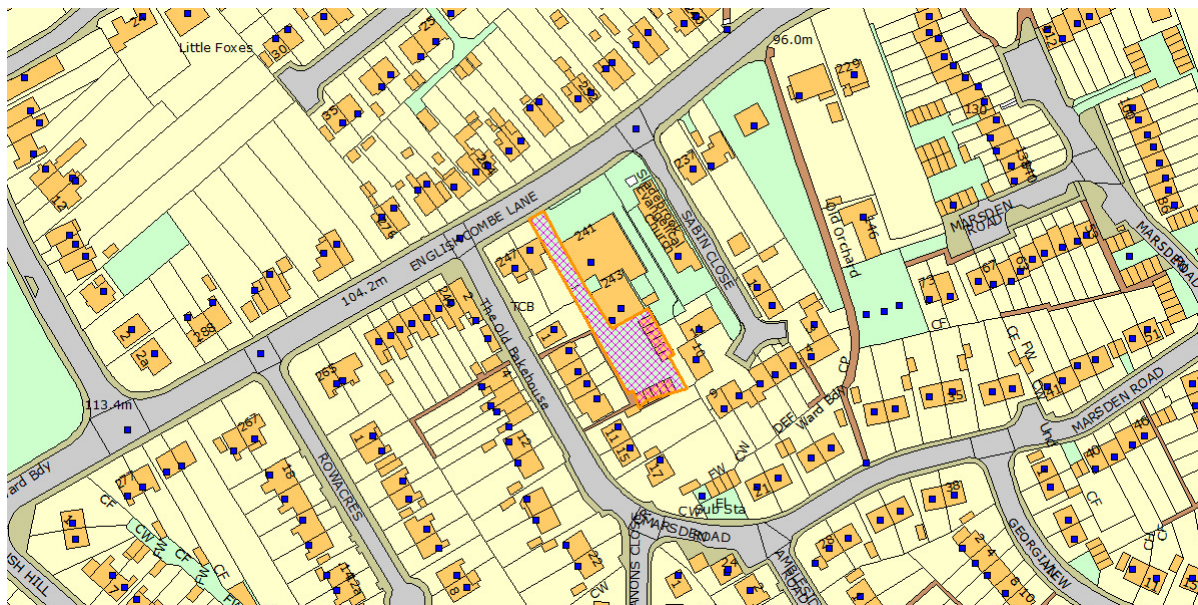
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Item No: 09
Application No: 16/01365/FUL
Site Location: Hillside Garage 243 Englishcombe Lane Southdown Bath Bath And North East Somerset



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor P N Crossley Councillor D M Romero
Application Type: Full Application
Proposal: Erection of 3No. new dwellings following demolition of 11No. lock-up garages.
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: BHR Properties Limited
Expiry Date: 7th April 2017
Case Officer: Alice Barnes

REPORT

Reason for reporting application to committee

The application is being referred to the committee at the request of Councillor Dine Romero. The application has been referred to the Chair Councillor Davis who has agreed that the application will be considered by the committee.

Description of site and application

Number 243 Englishcombe Lane is located outside of the Conservation Area but within the World Heritage Site. The site comprises an existing car garage/workshop to the south and two banks of garages. The site is set behind the existing Tesco convenience store and is access by a vehicle access on the western boundary of the site.

The application proposes the demolition of the existing garages and the construction of three dwellings with associated parking. The application originally proposed four dwelling but this has been reduced to three. The proposed dwellings will includes three bedrooms with the third bedroom located within the roof space. Parking will be located to the front of the proposed dwellings and one garage has been provided to plot one. All properties include rear gardens.

The plans also show the conversion of the existing car garage/workshop to office use. Under part 3 class I the change of use from B2 (industrial) to B1 (office) does not require an application for planning permission.

Relevant History

Adjacent site

DC - 06/01461/OUT - PERMIT - 16 June 2006 - Extension to existing Londis convenience store (resubmission)

DC - 06/03188/RES - APP - 2 November 2006 - Partial demolition of petrol sales canopy and erection of an extension to convenience store with car parking area at rear (reserved matters pursuant to outline planning permission 06/01461/OUT)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: The latest revision to the site layout plan (Drawing LA-005 Rev C, dated 2nd December 2016) shows the number of proposed dwellings reduced to three. This reduces the space needed for parking in the remainder of the area between the dwellings and the proposed office building. As such, there is now sufficient turning space to the rear of the spaces to allow a vehicle entering this cul-de-sac for the purposes of routine deliveries, such as a large van, to turn/exit in forward gear.

It should be noted, however, that this turning space is unlikely to be adequate for accommodating the swept path needed for a large rigid HGV without prior arrangement with occupiers to keep some of the spaces clear. The need for access by vehicle of this size is likely to be very occasional.

With respect to the parking I am satisfied with the provision and disposition of the spaces for the three dwellings. Whilst the proposed workshop/office conversion is viewed as outside the application, I have consistently maintained that retained parking provision in accordance with the Policy T.26 requirement for the replacement use should be provided. The latest layout shows two spaces for the circa 88sqm GFA of office accommodation provided following conversion. The maximum standard required by the Schedule to Policy T.26 for B1 use is one space/30sqm GFA, so three spaces. However, I am content to accept some reduction from this and the provision made.

The latest layout (Drawing LA-005 Rev C) is a considerable improvement on the previous proposals, and the level of on-site parking now considered acceptable with what is a reduced development scale. Whilst turning is also improved, my outstanding concern is that this will not in my view accommodate large refuse vehicle access, which the applicants bin store arrangements suggest will be necessary. They need to advise what

alternative waste collection arrangements will be made to ensure that crews have satisfactory access to bins from Englishcombe Lane.

Drainage and flooding: No objection subject to condition

Contaminated land: The application is for the erection of 3No. new dwellings following demolition of 11No. lock-up garages. Due to the sensitive nature of the development (i.e. residential) and the potentially contaminative historical use of the site/adjacent area as a petrol filling station and vehicle repair garage and lock up garages conditions should be attached.

Councillor Dine Romero: The changes do not adequately address concerns previously raised, especially around the access to and from the Tesco, which already has a history of accidents and near misses.

Representations:

40 representations have been received objecting to the application for the following reasons:

The development will result in increased noise and disturbance to existing residents
The development is of a high density and could lead to two houses built in every garden of Englishcombe Lane.

The proposed development is ignoring the established roof height of those neighbouring properties. It will be higher and overbearing.

There would be a loss of views to neighbouring properties.

There will be harm to highway safety.

There will be harm to the World Heritage Site.

The courtyard and parking area are vital to the adjacent business.

The development does not meet parking standards

The vehicle access does not take account of the one way system of Tescos car park.

The plans show the working garage as an office with 2 parking spaces. This is not an application to change ownership of the garage, so why is it not being shown as a garage on the plans, which are misleading.

The housing is not suitable for family homes and will be used for HMOs.

There is a risk of pollution due to the proximity to neighbouring properties.

The development will overlook nearby residents

The site is not suitable for housing due to its proximity of Tescos and the adjacent garage.

The loss of the garages will cause further on street parking.

The houses are too high when compared with the surrounding properties.

The construction of Sabin Close has already affected this environment negatively

There is not sufficient detail regarding drainage.

Can a fire truck access the site.

The development will result in the loss of a local business.

The plans show office space with more desks than parking.

Bath Spa university students park in nearby streets.

The buildings will block light from neighbouring properties.

The site may be contaminated and the garages have asbestos roofs.

Emergency vehicles may not be able to access the site.

People accessing the bike sheds will cause noise and disruption to the neighbouring properties.

The change of use of the garage has not been included in the description.

The number of houses may have been reduced but this is still overdevelopment of the site.

There is no fence along the rear boundary and consent will not be given for one.

A three storey building is too high.

There will be a loss of views to neighbouring properties.

There will be a loss of local employment. The fact the garage is struggling does not mean that it is not viable

This is a cramped development

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 Council's Development Plan now comprises:

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)
- o Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality

B1 - Bath Spatial Strategy

B4 - The World Heritage Site and its Setting

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations

D.4: Townscape considerations

T.24: General development control and access policy

T.26: On-site parking and servicing provision

ES.15: Contaminated land

ET.2 - Office development

National Policy

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance 2014

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D.2 - Local character and distinctiveness

D.3 - Urban Fabric

D.5 - Building design

D.6 - Amenity

PCS5 - Contamination

H7 - Housing accessibility

ED.1A - Office development

The following policy has significant weight

H.1 - Historic environment

ST.7 - Transport requirements for managing development

OFFICER ASSESSMENT

The application proposes the demolition of the existing garages and the construction of three dwellings with associated parking. The application originally proposed four dwellings but this has been reduced to three.

The plans also show the conversion of the existing car garage/workshop to office use. Under part 3 class I the change of use from B2 (industrial) to B1 (office) does not require an application for planning permission.

Principle

The application site is located within the built up area of Bath. Policy B1 of the Core Strategy allows for small scale intensification within the urban area. The application site is located within the built up area of Bath and the principle of residential development is accepted.

Design and layout

The layout of the site will result in the provision of three dwelling which do not front onto the road and are sited to the rear of the existing businesses. Englishcombe Lane is characterised by properties which follows the streetscene and over time cul-de-sacs have been constructed to the south of the road. In this case therefore there is scope to allow for dwellings to be constructed to the rear of the site without compromising the grain of development within the streetscene.

The proposed dwellings have been designed as two storey properties with pitched roof and gable ends. The proposed dwelling will provide three bedrooms with accommodation contained within the roof. The proposed dwellings are of a similar design to the neighbouring buildings along Sabin Close so that the proposed design is considered to be appropriate within the surrounding area.

Comments have been made within the representations that the development is a high density which is not characteristic of the surrounding area. The proposed dwelling would result in properties with smaller gardens than the properties of Sabin Close. However the provision of three additional dwelling with pitched roofs and gable ends is not considered to be uncharacteristic of the surrounding area.

Comments have been made within the representations that the dwelling will be higher than the surrounding properties. The applicant has submitted a section demonstrating that the proposed dwelling will be the same height as the properties at Sabin Close but will be higher than the properties on Marsden Road. The proposed design is considered to be appropriate within the proposed context.

The proposed dwellings would be constructed using a combination of Bath stone and render. The proposed materials are considered to respond to the character of the surrounding area.

Highways

Some parking at the site is given over to the existing car workshop and the proposed development would retain two parking spaces for the business. The proposed development would provide two parking spaces for each dwelling which is accordance with the parking standards set out within policy T.26 of the local plan and ST.7 of the emerging placemaking plan.

The proposed development will result in the loss of the existing garages. The applicant has confirmed that the existing garages are currently unoccupied and therefore the loss of the garages will not result in an increase in on street parking.

Whilst the change of use to the existing garage is considered to be permitted development the applicant has indicated that two spaces will remain for the proposed office. Parking standards require the provision of one space per 30sqm and in this case the proposed office would be 88sqm in area. However the highways officer has advised that they are happy with level of parking proposed.

The site will be accessed from the existing vehicle access along the western boundary of the site. The access is currently used to access the existing vehicle workshop and garages. Concern has been raised over the safety of the existing access and the possibility of increased traffic. The existing access is already in use to provide access to the garages and car workshop. The provision of the three dwellings would replace the existing garages utilising the existing vehicle access therefore the use of the access would not result in a significant increased risk to highway safety. No objection has been raised by the highways officer. The application has indicated where refuse will be collected within the site and this has been agreed by the highways officer as being acceptable.

The applicant has provided a plan indicating where refuse would be collected. This has been referred to the highways officer who is satisfied with the waste collection area.

Concern has been raised that a fire engine would not be able to access the site. Manual for Streets (Section 6.7), deals with this and it is predominantly addressed by Building Regulations. There are systems, such as sprinklers, that can be specified to vary the requirements. For planning purposes it is assumed that the appliance needs to be within 45m of the building entrance. You can also expect that an appliance can reverse 20m which is acceptable in this case.

Amenity

The proposed dwelling will sit within the site surrounding by dwellings on three sides. To the east are the dwellings within Sabin Close. Number 10 and 11 will face the site from the rear and side elevations. The applicant has provided the floor plans from the original permissions at Sabin Close. The windows facing the site provide light to bathrooms and access corridors, therefore the proposed dwelling will not impact on the habitable space within these dwellings.

Concern has been raised over the impact on the building to 9 Sabin Close. The proposed building would be 18m from the front elevation of 9 Sabin Close and would be viewed at an oblique angle. The proposed dwelling is considered to be a sufficient distance away so as not to result in increased overlooking of number 9.

To the west of the site the rear elevations of number 3 to 9 Marsden Road will face the side of the proposed development. The reduction in dwellings has moved the proposed development away from the boundary with Marsden Road. This will result in a gap of 4.5m from the boundary and 12m from the rear elevation. The provision of a gap between the existing and proposed development is considered to result in a development which does not appear overbearing to the occupiers of 3 to 9 Marsden Road. No glazing is proposed on the side elevations so that the proposed development will not result in increased overlooking to the occupiers of Marsden Road.

To the south of the site is the rear of 11 Marsden Road. The rear elevations of the proposed dwelling would be sited 10m from the property so are not considered to appear overbearing to the occupiers of the property. The rear windows of the proposed dwellings will be 10m from the rear boundary from number 11. This is considered to be of a sufficient distance away so as to not result in overlooking that would warrant refusal of the application. The dwellings will be visible from the rear of number 11 and the occupier has submitted evidence that the development will result in the loss of a view from number 11. Planning policy does not allow protection for the loss of a private view. As stated above the proposed dwellings are considered to be a sufficient distance away so as not to appear overbearing to the occupiers of number 11. This does not warrant refusal of the application.

The proposed dwellings will be located adjacent to the existing commercial space. The site is currently used as a garage and is proposed to be changed to an office under permitted development. Should the change of use not take place and the garage remains then the proposed dwelling would be sited adjacent to an existing car garage. In this case a condition should be attached requiring the provision of sound attenuation within the proposed dwelling.

Contaminated land

Due to the sensitive nature of the development (i.e. residential) and the potentially contaminative historical use of the site/adjacent area as a petrol filling station and vehicle repair garage and lock up garages the contaminated land officer has advised that conditions should be attached requiring an investigation and risk assessment to be submitted before work begins.

Other matters

Concern has been raised with the representations that the proposed development will result in harm to land stability. Paragraph 120 of the NPPF states that where a site is affected by land stability issues the responsibility for securing safe development rests with the developer and/or landowner.

Concern has been raised that the proposed dwellings will be used as houses in multiple occupation. The applicant has applied to construct three dwellinghouses. A house in multiple occupation is classed as a small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom and fall under use class C4. The applicant has applied for three bedroom dwellings falling under use class C3, dwellinghouses. If they were to be occupied as house in multiple occupation then further planning permission would be required to change the use of the building.

The drainage officer has advised that the applicant needs to demonstrate that the subsoil is suitable for infiltration i.e. the permeability of the soil and whether contaminants are present. The location of the proposed soakaways also needs to be demonstrated, the soakaways should be sited at least 5m from any building. This can be required by condition.

Concern has been raised that the development will result in noise and disturbance to residents. There is no evidence to suggest that the provision of three additional dwellings within a residential area would result in unwanted noise to neighbouring properties. A condition can be attached requiring the submission of a construction management plan to limit the impact of the construction of the development on neighbouring properties.

Emerging placemaking plan policies

Substantial weight can now be attributed to Place Making Plan Policy H7 in relation to housing accessibility and is being applied to all new proposals for housing provision. For market housing, dwellings should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M. Given the advanced stage of this application it would unreasonable to require the developer to comply fully with this policy.

Conclusion

The proposed development will provide three new dwellings within the built up area of Bath. Whilst the concerns raised within the representations are acknowledged the proposed development is considered to be acceptable for the reasons set out above and permission is recommended.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

3 Contaminated Land - Remediation Scheme (Pre-commencement)

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

- (i) all works to be undertaken;
 - (ii) proposed remediation objectives and remediation criteria;
 - (iii) timetable of works and site management procedures; and,
 - (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.
- The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out prior to

the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

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

4 Contaminated Land - Verification Report (Pre-occupation)

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

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

5 Contaminated Land - Unexpected Contamination (Compliance)

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

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

6 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

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

7 Construction Management Plan (Pre-commencement)

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

8 Parking (Compliance)

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

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policies T.26 and T.24 of the Bath and North East Somerset Local Plan.

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

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

10 Sound Attenuation (Compliance)

The development shall be constructed to achieve sound attenuation against external noise in accordance with BS8233:2014 with 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 timeweighting) shall not (normally) exceed 45dBLAmax.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy ES.12 of the Bath and North East Somerset Local 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.

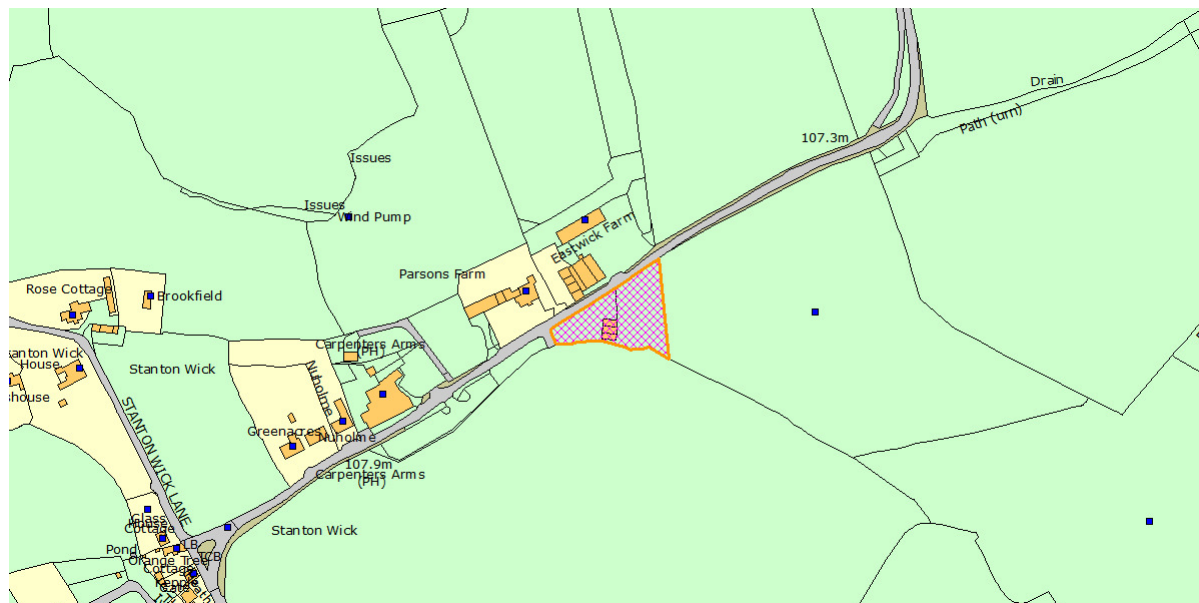
Reason: To define the terms and extent of the permission.

PLANS LIST:

Site and location plans LA-001
Existing block plan LA-002
Existing elevations 1 LA-002
Existing elevations 2 LA-004
Proposed site plan LA-005 rev D
Units 1-3 Ground floor plan LA-006 rev C
Units 1-3 First floor plan LA-007 rev C
Units 1-3 Second floor plan LA-008 rev C
Units 1-3 Front north west elevation LA-009 rev C
Units 1-3 Rear south west elevation LA-010 rev C
Units 1-3 Side (north east) elevation LA-011 rev C
Units 1-3 Side (south west) elevation LA-012 rev C
Section AA LA - 013 rev C
Section BB - LA -014 rev C
Bike storage LA-019
Proposed site plan LA-020

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

Item No: 10
Application No: 16/06234/FUL
Site Location: Eastwick Farm Wick Lane Stanton Wick Bristol BS39 4BX



Ward: Clutton **Parish:** Stanton Drew **LB Grade:** N/A
Ward Members: Councillor Karen Warrington
Application Type: Full Application
Proposal: Replacement Barn Dwelling (Retrospective)
Constraints: Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs Winstone
Expiry Date: 16th March 2017
Case Officer: Alice Barnes

REPORT

Reason for reporting the application to committee

The application is being reported to committee at the request of Councillor Karen Warrington.

The application has been referred to the chair of the committee who has agreed that the application should be considered by the committee.

Description of site and application

Eastwick Farm is located on the eastern edge of Stanton Wick. The application site is located within the green belt and outside of any Housing Development Boundary. The site is located on the edge of a small settlement and is considered to be located within the open countryside. The site originally included an agricultural barn surrounding by open grassland. There is an existing vehicle access from Wick Lane.

This is an application to demolish a barn and replace with a dwelling. This application is retrospective as the barn has already been demolished and a timber frame for the proposed dwelling has been constructed on site. The proposed dwelling is a single storey and includes two bedrooms. The exterior of the building is proposed to be timber clad. Vehicle access will be from the existing vehicle access on Wick Lane.

Relevant History

DC - 14/03435/ADCOU - APPROVE - 18 September 2014 - Prior approval request for change of use from Agricultural Barn to Dwelling (C3)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Stanton Drew Parish Council: The Stanton Drew Parish Council fully support this application. The original application was permitted under permitted development rights and an unforeseen collapse of an original wall has rendered the permission invalid. This seems to us to be an unnecessarily unfair use of planning law.

In our opinion, despite green belt restrictions, this proposed development will enhance the local environment and will not in any way threaten the quality of the green belt.

Highways: The site is accessed via an existing gated access from Wick Lane. As it is anticipated that the dwelling will result in an increase in vehicular movements typically associated with domestic use (i.e. shopping, post-delivery, visitors, etc.) relative to the previous agricultural use of the site, the applicant will be required to maximise visibility in both directions with the removal/setting back of the boundary fronting the site. It is noted that the applicant has control of the land over which the visibility splay views.

The provision of 3 to 4 parking space has been acknowledged as this accords with policy T.26 of the BANES Local Plan. The provision of an adequate space for turning to enable vehicles to depart the site in a forward gear is also acknowledged.

Councillor Karen Warrington: I believe that there are exceptional circumstances in relation to this application. The original building was a barn used for agricultural purposes and was to be convert under

Permitted Development rights. Unfortunately, during the conversion part of the barn wall fell down. The applicant was unaware that this negated the permitted development rights. Had he been aware he would have ensured that the building was sound before he commenced the works.

Representations: 13 representations have been received in support of the application for the following reasons:

The footprint of the proposal is similar to the scheme allowed under permitted development.

A barn existed on the site for 40 years.

The development will visually enhance the locality.

There is sufficient parking on site and the vehicle entrance is suitable.

Permitting this dwelling will enable the applicants to remain in the heart of the community that they love, with familiar friends and a strong social support network.

The development does not detract from the openness of the green belt.

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 Council's Development Plan now comprises:

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)
- o Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality
CP8 - Green Belt

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations
D.4: Townscape considerations
GB.2: Visual Amenities of the Green Belt
T.24: General development control and access policy
T.26: On-site parking and servicing provision
HG.10: Housing outside settlement (agricultural and other essential dwellings)
T.26: On-site parking and servicing provision

National Policy
The National Planning Policy Framework adopted March 2012
National Planning Practice Guidance 2014

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D.2 - Local character and distinctiveness
D.3 - Urban Fabric
D.5 - Building design
D.6 - Amenity
GB.1 - Visual amenities of the green belt
RE4 - Essential dwellings for rural workers
H7 - Housing accessibility

The following policy has significant weight

ST.7 - Transport requirements for managing development

OFFICER ASSESSMENT

This is an application to demolish a barn and replace it with a dwelling. This application is retrospective as the barn has already been demolished and a timber frame for the proposed dwelling has been constructed on site.

Planning history

In September 2014 a prior notification was granted for the conversion of the existing barn within the site under Class Q (then Class MB) of the General Permitted Development Order. The barn has since been removed and a timber frame constructed on site. The removal of the barn means that there is no barn to convert under permitted development and the provision of a new dwelling requires planning permission. The applicant was informed of the need for planning permission and works has been halted on site while the application for planning permission is considered.

Principle

The application site is located outside of any housing development boundary. Policy HG.10 of the local plan relates to houses outside of settlements. This policy allows for the provision of dwellings for agriculture or forestry workers. As the development would be used as a private dwelling the provision of a dwelling outside of a settlement boundary would be considered to be contrary to policy HG.10 of the local plan. The principle of a new dwelling is not accepted.

Green Belt

Paragraph 89 of the National Planning Policy Framework states that the construction of new buildings within the green belt is considered to be inappropriate development. Paragraph 89 goes on to list exceptions to this which includes the re development of a brownfield site or the provision of a building for agriculture. The proposed dwelling will be located within agricultural land which is not classed as brownfield land. The dwelling would be used as a private dwelling so it not considered as a dwelling for agricultural workers. The provision of a new dwelling within the green belt does not comply with paragraph 89 of the NPPF.

Paragraph 80 of the NPPF lists the five purposes of including land within the green belt which are as follows;

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into on another.
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

In this case the proposed development would result in a new dwelling within the open countryside. The provision of a new dwelling will encroach into the open countryside and therefore the proposed development is considered to conflict with one of the five purposes of including land within the green belt.

The proposed dwelling will be a single storey building and the original barn was a single storey building. The provision of a garden and domestic paraphernalia around the site would change the character of the surrounding site and giving it a domestic appearance within the open countryside. This is considered to result in harm to the openness of the surrounding green belt.

Design

The proposed dwelling would be a single storey property which would be clad in timber with a tiled roof. The proposed design its self is not considered to be an inappropriate design for a dwelling. However the proposed dwelling will result in a new dwelling outside of the housing development boundary within the green belt so is considered to be inappropriate development.

Highways

The proposed dwelling would utilise an existing access to the site. The highways officer has raised no objection to the application. The provision of 3 to 4 parking space has been acknowledged as this accords with policy T.26 of the BANES Local Plan. The provision of an adequate space for turning to enable vehicles depart the site in a forward gear is also acknowledged.

Amenity

The proposed dwelling will not be located close to any other dwellings and will not impact on the amenity of nearby residential occupiers.

The case for very special circumstances

Development within the green belt is only allowed under very special circumstances. A prior notification allowed the applicant to covert a barn within the site under Class Q of the GPDO. The barn has been removed and therefore a conversion under permitted development cannot take place. Therefore full planning permission is required and this must be considered under current planning policy. The fact that a conversion could have been allowed under permitted development does not form very special circumstances to justify development in the green belt.

Comments have been made within the representations that the proposed dwelling would allow the applicant to remain in the village close to their family. The design and access statement has made reference to the dwelling providing accommodation for elderly people. The personal circumstances of the applicant cannot form very special circumstances to justify development in the green belt.

Other matters

Substantial weight can now be attributed to Place Making Plan Policy H7 in relation to housing accessibility and is being applied to all new proposals for housing provision. For market housing, dwellings should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M.

Conclusion

The proposed development will result in a new dwelling outside of any housing development boundary and constitutes inappropriate development in the green belt. The application is recommended to be refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development is located within the Green Belt and outside of any Housing Development Boundary where the principle of development is not accepted. The development will conflict with the purposes of including land within the green belt and is harmful to the openness of the surrounding green belt. No very special circumstances exist to outweigh the harm caused by the development. It is therefore contrary to policies HG.10 and GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 Policy CP8 of the Core Strategy and paragraphs 80 and 89 of the National Planning Policy Framework adopted March 2012 and policies RE.4 and GB.1 of the emerging placemaking plan.

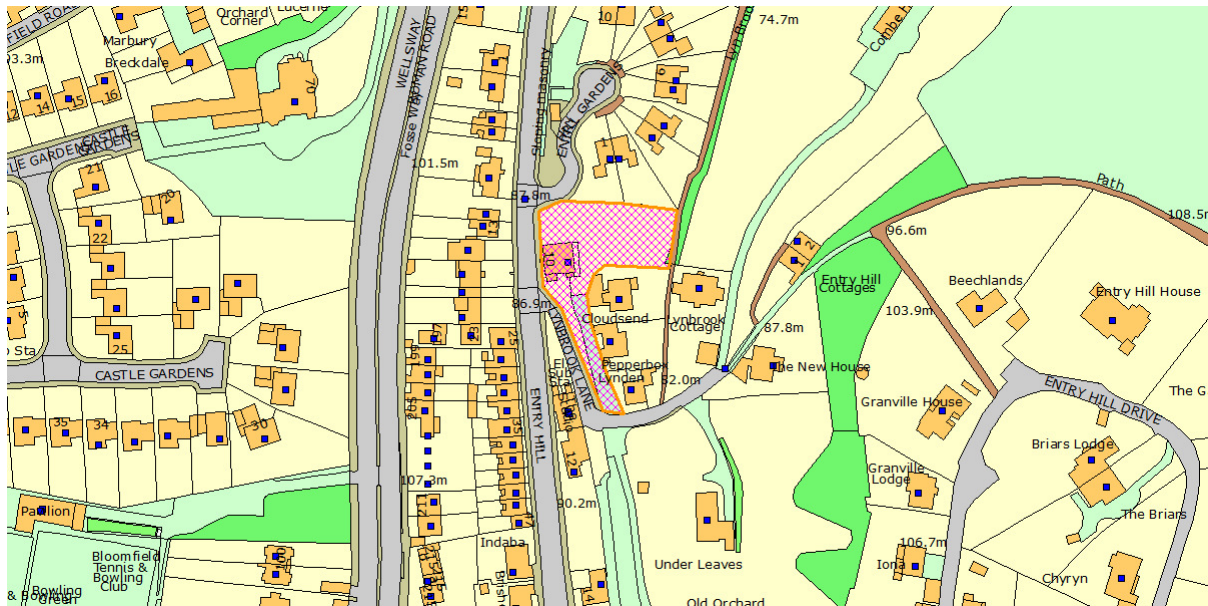
PLANS LIST:

Existing plans and elevations 001A

Proposed plans and elevation 100E

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 11
Application No: 16/05505/FUL
Site Location: 10 Entry Hill Combe Down Bath Bath And North East Somerset BA2 5LZ



Ward: Lyncombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Michael Norton Councillor Mark Shelford
Application Type: Full Application
Proposal: Erection of 1 no.dwelling (Revised proposal)
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Walters Developments
Expiry Date: 5th April 2017
Case Officer: Samantha Mason

REPORT

REASON FOR REPORTING TO COMMITTEE:

Cllr. Mark Shelford and Cllr. Michael Norton have requested that the application go before committee should the officer be minded to approve. Cllr Shelford strongly objected based on the same grounds as his objection to the previous approved application on site, that being over development of the site and impact on the historic environment.

In line with the Scheme of Delegation, the application has been referred to the Chairman of the Development Control Committee who has decided that the application should be determined by committee as she is aware that it is a controversial application.

DESCRIPTION:

The application site comprises 10 Entry Hill, a three storey detached Georgian building which has been split into three flats, its associated garden to the rear and an access track of Lynbrook Lane.

The Site falls within the Bath World Heritage Site and Conservation Area. The site also lies directly adjacent to the Lyncombe Vale SNCI, the Cotwolds AONB and the Bristol and Bath Green Belt. The site falls near to a number of listed buildings, Lynbrook Cottages (Grade II) to the south east, 1 and 2 Entry Hill Cottages (Grade II) to the east and no. 25 to 45 Entry Hill (Grade II) further to the south west.

Permission has previously been granted by committee for the erection of a detached 2 bed dwelling with no associated parking on the site (15/00453/FUL). This application is a proposal seeking permission for a 4 bedroom dwelling of a reviewed design with 3 parking spaces on site.

The main revisions therefore include:

- Internal rearrangements to accommodate 4 bedrooms
- The addition of 3 parking spaces to the site
- External alterations to the design of the property

RELEVANT PLANNING HISTORY:

DC - 13/05479/FUL - WD - 28 February 2014 - Erection of 2 no. semi-detached dwellings with associated storage, garages, additional parking bays, bin store and garden amenity area.

DC - 14/02146/FUL - WD - 22 July 2014 - Erection of 2 no. semi-detached dwellings with associated storage, bin store and garden amenity area. (Resubmission)

DC - 15/00453/FUL - PERMIT - 22 October 2015 - Erection of 1 no two bed dwelling.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Landscape: No Objection subject to conditions

Wales and West Utilities: Wales and West Utilities has pipes in the area.

Highways: While the access to the site from Entry Hill is considered substandard, Highways DC agree that the provision of 2 to 3 no. off street parking spaces will not result in an intensification of use of the access lane and Lynbrook Lane as these will essentially replace 2 no. existing spaces currently used by occupants of the flats at no. 10 Entry Hill. These spaces will be displaced onto the street where surveys suggest there is space available at all times. Highways DC therefore have no objection subject to conditions.

Arboriculture: No objection subject to conditions.

Ecology: No objection subject to conditions

Conservation Officer : I am satisfied that the applicants, following our useful and positive meeting, have responded to our advice and this has resulted in an improved scheme and design. The element of the building that forms the rear north east elevation is rather cumbersome in appearance and has an overbearing impact. Conditions relating to providing material samples are advised.

Flood Risk Drainage: No objection subject to conditions.

Representations Received:

Objections have been received from 7 respondents, the following is a summary of the points raised:

Overdevelopment of the site
Concern that application is not treated as new
Concern about repeat applications
Concern over committee process
Concern over procedural process, including site notice display.
Noise and disturbance
Increased overlooking, loss of privacy and overshadowing
Car headlights will shine into neighbouring properties from parking area
Harm to the character of the Conservation area, concern with Conservation Officers comments
Harm to the setting of surrounding listed buildings
Impact from loss of trees
Concern with out of date Ecology Report
Designs are out of keeping with the locality
Design and height is overbearing, concern with the apparent increase in size and scale
Concern that the Highways Officers recommendation has changed
Refute of claims that there have been two cars parked in the drive belonging to number 10.
Poor, unmade access drive unsuitable for intensification
Concerns about access during construction
Highways safety impacts for school children and residents

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 Council's Development Plan now comprises:

- Bath and North East Somerset Core Strategy (July 2014)
- Saved policies from the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)

Core Strategy:

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy.

The following policies of the Core Strategy are relevant to the determination of this application:

B1: Bath Spatial Strategy
B4: The World Heritage Site and its Setting
CP2: Sustainable Construction
CP6: Environmental Quality

Local Plan:

The following saved policies of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

BH.2: Listed Buildings and their setting
BH.6: Development within or affecting Conservation Areas.
D.2: General design and public realm considerations
D.4: Townscape considerations
NE.9: Locally important wildlife sites
T.24: General development control and access policy
T.26: On-site parking and servicing provision

Placemaking Plan:

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D3: Urban Fabric
D5: Building Design
D6: Amenity
ST1: Promoting Sustainable Travel

The following policies are given significant weight:

H1: Historic Environment
NE3: Sites, species and habitats
ST7: Transport Requirements
H7: Housing Accessibility
SCR5: Water Efficiency

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

OFFICER ASSESSMENT

Permission was previously granted for the erection of a detached 2 bed dwelling with no associated parking. This application is a revised proposal seeking permission for a 4 bedroom dwelling with 3 parking spaces.

The main issues to consider are:

- Principle of development
- Character and appearance
- Residential amenity
- Highways and parking
- Ecology
- Drainage
- Other matters

Principle of Development:

The site lies within the built up area of Bath where the principle of new residential development is acceptable in accordance with policy B1 of the Bath and North East Somerset Core Strategy. A similar proposal for a two bed, three storey development has previously been granted permission and as such the principle of development exists. The principle of residential development in this location is therefore acceptable, subject to the detailed consideration under other relevant policies.

Character and Appearance:

The steeply sloping site contains a large number of mature trees and is visible from views within the Conservation Area, the Green Belt and the AONB. Views of the Grade II listed Lynbrook Cottage are also obtained over the site from Entry Hill and form part of its setting.

Although it could be argued that the site represents backland development, the proposal follows the line and pattern of development established by the three dwellings immediately to the south (Cloudsend, Pepperbox and Lynden). It is therefore considered that the proposals are not out of keeping with the pattern and grain of development in the surrounding area.

Previous applications to erect two dwellings on this site were withdrawn after concerns were raised by officers about the impacts upon the green character of the site, views across the valley to the east and the impact upon the setting of the Grade II listed Lynbrook Cottage. Through negotiations a further application was then approved for the erection of a single dwelling whose footprint and central siting within the site were considered to be suitable in terms of impact on green character of the site and the setting of nearby Listed Buildings. This application proposes a very similar central siting and footprint as the approved and the proposed is still considered to be suitable in terms of impact on green character and Listed Building Setting.

In terms of the green character of the site, it is accepted that the proposals result in the loss of some existing trees and its initial appearance will be quite raw. However, many of the trees to be removed are identified as being in poor arboricultural condition and the Arboricultural Officer has no objection, stating that the removal has been previously accepted during consideration of application 15/00453/FUL. This is again subject to suitable replanting which can be secured by condition. Once the replacement planting has been established and begins to mature then this will help to reinforce the green character of the site which the proposed dwelling will sit comfortably within.

The Arboricultural Officer did request further details in relation to the existing and proposed levels to the north of the proposed car parking as this aspect is different to the previous approved scheme. Further to this information was provided by the agent and the Arboricultural Officer commented that she was satisfied with the information provided and raised no further objections to this element of the scheme.

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. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. These are considered below.

This section of Entry Hill is punctuated by views across the green valley to the east which makes a positive contribution towards the character of this part of the Conservation Area. Views of the Grade II listed Lynbrook Cottage and 1 and 2 Entry Hill Cottages are also available over the site and it is considered that these views contribute positively towards the Conservation Area and allow an appreciation of the listed building within its open, green setting.

The proposal is lower in height than the neighbouring property at Cloudsend and does not interfere with views from Entry Hill over the valley towards the listed buildings. The original plans increased the height of the proposed slightly, after discussions with the agent the height has now been reduced to approximately the same height as the approved dwelling.

From the west the impact of the proposal will be less, due to the screening of the large walnut and ash trees along the eastern boundary of the site. The proposals will also be seen against the backdrop of other development including 10 Entry Hill itself. Furthermore the Landscape Officer has raised no objections to the scheme.

In terms of design, there is a variety of different building styles and ages in the surrounding area. This includes a number of older Georgian and Victorian properties along Entry Hill and across the valley to the west. However, this also includes some post-war and later housing development to the north and south of the application site.

Some aspects of the design of the original submitted scheme were not considered to be appropriate within the sensitive location, particularly the choice of materials. After discussions with the agent revisions were submitted in early February that addressed the concerns with materials and a scheme was submitted that is very similar to the approved

scheme. It should be noted that the additional bedrooms have been achieved through internal rearrangement rather than an external re-design.

The proposed development is a three storey property, due to the topography of the site the front elevation will appear to be two storey. The design appears to be comprised of three elements when viewed externally; a main three storey element, a rear lower three storey element with sedum roof and a further rear single story projection. Materials proposed include rough cut dry stone walling to the front elevation with horizontal cedar cladding above. Vertical cedar cladding to the porch. Ivory through coloured render to the side elevations of the main section, cedar cladding to the rear projections and zinc and sedum to the roof.

The Conservation Officer has commented that the revised plans result in an improved scheme and design, which is now of a more interesting contemporary modern design that utilises traditional materials. The use of dry stone, cedar cladding, render and zinc appear to be a successful palette of materials used in conjunction with one another. The Conservation Officer advises that the stone should be locally sourced and the colour of the render should integrate appropriately. Therefore conditions will be attached addressing these points.

The Conservation Officer did comment that he considered the rear element of the proposal to be cumbersome, and a redesign could result in a more elegant outcome. Notwithstanding this comment the proposed design is now very similar in appearance to that approved in 2015 and it is not considered that the rear element causes harm to the Conservation Area that would warrant refusal. In this case the previous approved application is a material consideration.

In light of the above, and subject to suitable conditions controlling materials, landscaping and tree protection, it is considered that the proposal will preserve the setting of the nearby listed buildings and the character and appearance of the Conservation Area and the wider World Heritage Site. Furthermore, the proposals will not harm the adjacent areas of Green Belt or the natural beauty of the AONB.

Residential Amenity:

The nearest adjoining property, Cloudsend, lies to the south. The proposed dwelling is positioned approximately 8m from the side of Cloudsend and has a lower overall height. This separation, orientation and reduced scale of the proposal means that it will not appear overbearing or result in any significant loss of light or outlook from Cloudsend. Whilst there are windows proposed in the south east elevation towards Cloudsend, 3 of the 5 windows are not habitable rooms within the property and the position of the windows of each property are offset and so will avoid direct overlooking.

To the north lie two properties in Entry Hill Gardens. There is a significant amount of planting and vegetation along the north boundary of the site which provides a good screen for the proposed development. The proposed dwelling is not considered to appear overbearing or result in any loss of light or outlook from these adjoining properties.

The proposed balcony at ground floor level has a timber privacy screen to prevent any harmful overlooking towards either of the adjoining neighbours.

10 Entry Hill comprises 3 flats which all have bay windows looking out towards the front of the proposed dwelling. The proposed dwelling is set away from the rear of 10 Entry Hill and is set at a significantly lower level. The majority of views from these bay windows will overlook the roof and towards the valley beyond. It is accepted that some views will be obtainable over the front of the property, but these will not allow views into any private areas or habitable rooms within the property. The design of the fenestration on the front side of the dwelling is limited to prevent any views being obtained from the proposed dwelling towards the flats in 10 Entry Hill. It is considered that, given the distance between the two buildings and the indirect nature of any overlooking from 10 Entry Hill towards the application site, the proposal does not result in any harm to residential amenity of surrounding occupiers or potential future occupiers of the proposed development.

The development will result in the loss of the garden for 10 Entry Hill. However, 10 Entry Hill comprises 3 flats where access to a private garden is less essential or expected than for single dwelling houses. Furthermore, the proposals retain a sufficient amenity area for use by the existing flats within 10 Entry Hill. Therefore this is not considered to significantly impact on the residential amenity of current and future occupiers of the existing flats and the proposed development.

Neighbours have raised concerns regarding the increase in car movement down the shared access lane resulting in car headlights shining into neighbouring properties impacting residential amenity. It is considered that as the shared access lane already exists the increase in car movements will be minimal and therefore will not result in a new situation creating materially harm.

Highways Safety and Parking:

The site will be accessed via a shared private access lane off Lynbrook Lane which currently serves three residential properties as well as three flats at 10 Entry Hill.

As mentioned an application for a single two bed dwelling was approved under ref. 15/00453/FUL. Due to the availability of free on-street parking in the vicinity coupled with the substandard nature of the access from Entry Hill, a 'car-free' development was considered acceptable. It is now proposed to erect a 4 bedroom dwelling with 3 on-site parking spaces which will be accessed via Lynbrook Lane and the shared private access.

The applicant sought pre-application planning advice where Highways DC raised no objection. Although the proposal will result in the loss of 2 parking spaces which currently serve the 3 flats, Highways DC are satisfied that these displaced spaces can be accommodated on-street in the vicinity as previously demonstrated by a parking survey undertaken in support of the previously approved application. Furthermore, it's acknowledged that the removal of the current parking arrangements where vehicles are required to reverse the length of the shared access lane due to the absence of a turning area will in fact benefit the safety and operation of the access lane and Lynbrook Lane. The provision of a turning area within the site is acknowledged as this will enable vehicles depart the site in a forward gear.

To summarise, while the access to the site from Entry Hill is considered substandard, Highways DC have concluded that the provision of 2 to 3 off street parking spaces will not

result in an intensification of use of the access lane and Lynbrook Lane as these will essentially replace 2 existing spaces currently used by occupants of the flats at number 10 Entry Hill. These spaces will be displaced onto the street where surveys suggest there is space available at all times. Highways DC therefore have raised no objection to the application. No further Highways safety concerns have been raised by the Highways team in relation to this application.

Ecology:

The site is a garden largely comprising typical garden shrubs and vegetation, with no significant ecological value. However the position of the garden and proximity to adjacent habitats of high ecological value, including the adjacent trees and the Lyncombe Vale Site of Nature Conservation Interest (SNCI) which lies immediately adjacent, add to the overall ecological value and potential for impacts on ecology here.

Therefore an ecological report was prepared as part of the previous approved application and submitted with this current application. The council's Ecologist considered that the report, dated December 2013, was now three years old and should be updated prior to work commencing. However she did not consider it is necessary in this case for the LPA to require an updated survey prior to a decision, as any changes to the site are unlikely to be sufficiently significant to necessitate further changes to the plans or to require ecological mitigation that would not be feasible under the current proposal.

Residents raised concerns with the report being three years old and subsequently the applicant has provided an updated Wildlife Protection and Enhancement Scheme and submitted it on the 24 January 2017. It provides details of a range of appropriate measures for wildlife, including proposed details of sensitive lighting, and includes an updated survey of the site. The council's Ecologist considered the proposed lighting scheme will avoid harmful ecological impacts, including harm to bat activity. The council's Ecologist therefore raised no objections as a result of the report subject to conditions.

Drainage:

The Drainage and Flooding Team requested that, due to the drainage features in the area and the risk of surface water flooding further information needed to be provided. Further to this the agent provided a Surface Water Flood Plan and a Surface Water Drainage Strategy Report. As a result the Drainage Team have raised no objection to the application subject to conditions.

Other Matters:

Concern has been raised about the potential damage to property and use of the access during the construction of the proposed dwelling. It is accepted that the site will be difficult to access for construction vehicles and it is therefore considered reasonable and necessary to require a construction management plan as a condition of any permission. This will minimise impacts upon local residents and ensure that the construction is undertaken without prejudicing highways safety.

It is also accepted that the construction of the proposal would inevitably result in some disruption and disturbance to adjoining neighbours and residents. However, these impacts

will be limited to the duration of the construction and are similar to those associated with any construction project so do not form sufficient justification to refuse an application.

Concern has been raised over the application process and the display of site notices. Neighbours were consulted on the 14.11.2016 for a three week period, a site notice was displayed on the 07.12.2016 for a three week period, and neighbours were formally re-consulted from the 01.03.2017 for a further two week period. Therefore the council has fulfilled its statutory duty with regards to adverting the permission and the consultation process.

The Council's Emerging Placemaking Plan policy H7 has regard to housing accessibility standards. The Placemaking Plan is not yet fully adopted and this policy does not yet carry full weight. As previously mentioned the extant planning permission is a material consideration and therefore the housing accessibility standards have been negotiated based on the previous approved scheme. This is the same for Policy SCR5 regarding water efficiency.

Conclusion:

The proposals preserve the character and appearance of the Conservation Area, the World Heritage Site and the setting of the nearby listed buildings. Furthermore, the proposals do not harm the amenities of adjoining occupiers, the visual amenity of the adjacent areas of Green Belt, the natural beauty of the AONB or important wildlife and ecology.

The proposals accord with policies D.2, D.4, BH.2, BH.6, NE.1, NE.2, NE.9, NE.10, NE.11, GB.2, T.1, T.24 and T.26 of the Bath and North East Somerset Local Plan and policy DW1, B1, B4 and CP6 of the Bath and North East Somerset Core Strategy as well as Emerging Placemaking Plan Policies D1, D2, D3, D5, D6, ST1, HE1 and NE3.

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 Sample Panel - Walling (Bespoke Trigger)

Notwithstanding the information shown on the submitted plans, the external stone walling shall be natural limestone.

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Parking (Compliance)

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

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

4 Construction Management Plan (Pre-commencement)

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

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

No development or ground preparation shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, above and below ground service run locations and movement of people and machinery.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals in accordance with policy NE.4 of the Bath and North East Somerset Local Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

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

No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement. A signed certificate of compliance

shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

7 Soft Landscaping (Pre-occupation)

No occupation shall commence until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

8 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan

9 Wildlife Protection and Enhancement Scheme (Compliance)

The development hereby permitted shall be carried out only in accordance with the approved Wildlife Protection & Enhancement Scheme by Oecologic dated January 2017. A suitably experienced ecologist shall carry out a precommencement check of the site immediately prior to the commencement of works; confirmation of this shall be provided by the applicant's ecologist via email to the LPA Ecologist once completed.

Reason: to avoid harm to wildlife including protected species and badger and to provide

10 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, implementation of the approved Wildlife Protection and Enhancement Scheme by Oecologic dated January 2017, in accordance with the specifications and ecological requirements described, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be retained thereafter unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in

accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

11 Surface Water Drainage System (Compliance)

The surface water drainage system shall be built in accordance with the plans submitted with this application (Drawing AH2016/85 and the Surface Water Drainage Strategy (24 January 2017)).

Reason: In the interests of flood risk management

12 Surface Water Drainage System (Compliance)

The homeowner or landowner should be made aware of the surface water drainage system and the required maintenance regime. They should also be advised of the estimated lifespan of the grate attenuation system.

Reason: The surface water drainage system is entirely private and therefore regular maintenance by the private owner is required to ensure the system works as designed.

13 Balcony (Pre-occupation)

The balcony privacy screen on the ground floor of the dwelling hereby approved shall be completed prior to the occupation of the dwelling.

Reason: To prevent overlooking into adjoining properties and in the interest of residential amenities.

14 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

03 Feb 2017 Sheet 1 of 4 Existing and Proposed Block Plan and Site Location Plan
03 Feb 2017 Sheet 2 of 4 Proposed Floor Plans and Elevations
03 Feb 2017 Sheet 3 of 4 Existing and Proposed Landscaping Plan
03 Feb 2017 Sheet 4 of 4 Surface Water Flood Plan And Proposed Section

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 a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

Informative

Any connection to the culverted watercourse must not affect the cross sectional area of the culvert. If works are likely to affect this cross-sectional area (including any temporary works) then the applicant may need to apply for Land Drainage Consent. Details here: <http://www.bathnes.gov.uk/services/environment/lead-local-flood-authority/land-drainageconsent-ordinary-watercourses>

To note that Land Drainage Consent is a separate issue to planning consent.

Drawing AH2016/85 suggests a 'saddle connection' to the culvert. We would much prefer to see a manhole connection to aid maintenance. We believe this would be in the homeowner/ landowner's interest as they are/ will be Riparian Owners for the culverted watercourse running through their land.

Furthermore we recommend that the homeowner/ landowner is made aware of their Riparian responsibilities in terms of the culverted watercourse. We recommend that a copy of 'Living on the Edge' is supplied as part of any welcome pack or similar and that the landowners familiarise themselves with the location and condition of the culverted watercourse through their land. Living on the Edge: <https://www.gov.uk/government/publications/riversideownership-rights-and-responsibilities>

The landowner should be aware that any land raising or modifications to land between the new building and the east boundary could affect the predicted surface water flood flow path and could potentially put the new building or neighbouring buildings at risk. This is

also the case for any structures in the area such as fencing or outbuildings such as garden sheds.

Item No: 12
Application No: 16/06196/FUL
Site Location: 100 North Road Combe Down Bath Bath And North East Somerset BA2 5DJ



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor Bob Goodman
Application Type: Full Application
Proposal: Erection of a single storey side extension to provide disabled facilities and access into the extension.
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Ms Jan Symons
Expiry Date: 7th April 2017
Case Officer: Chloe Buckingham

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

It was requested by Councillor Cherry Beath for this application to go to committee and the chair of committee has agreed to this request for the following reason:

I have studied this application carefully noting all the pre-app advice & changes made as a result of this advice although not all concerns are solved particularly in relation to the door

proposed to link the dwelling to the extension. I note in Cllr Beath's DMC request she refers to there being strong evidence that it was a previously connected building & therefore to allow this issue to be debated fully I recommend the application be determined by the DMC.

DESCRIPTION OF SITE AND APPLICATION:

- This application relates to an end-of-terrace Grade II listed house located within the Bath World Heritage Site and Bath Conservation Area.
- The application seeks planning permission for a single storey side extension to provide disabled facilities and access into the extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

Conservation Officer: Due to the substantial alteration of the historic fabric of the Grade II listed building the proposal is not considered to comply with paragraphs 132 and 133 of the NPPF (2014) or Policies BH2 or BH6 of the Local Plan (2007). The proposal is not considered to retain the historic form of the building and it is considered to have a negative impact on this part of the conservation area. There has been no justification of the proposal in terms of public benefit and therefore the proposal is recommended for refusal.

Cllr Cherry Beath: Request to call into committee.

Understand from the pre planning advice the applicant received that there might be difficulties in accepting the adjoining door with the proposed new side extension. If an adjoining door is not thought acceptable this undermines the whole plan for this modest home. Clearly there is strong evidence that there was a previous connected building.

OTHER REPRESENTATIONS / THIRD PARTIES

- No comments received

POLICIES/LEGISLATION

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

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)*
- o Joint Waste Core Strategy

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy.

Relevant Local Plan Policies:

- o D2 - General Design and public realm considerations
- o D4 - Townscape considerations
- o T24 - General development control and access policy

- o BH6 - Conservation Areas
- o BH2 - Listed buildings and their settings

Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o B4 - World Heritage Site

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D.1 General urban design principles
 D.2 Local character and distinctiveness
 D.3 Urban Fabric
 D.6 Amenity
 ST.1 Promoting sustainable travel.

The following policies are relevant and have significant weight:

HE.1 Historic Environment

LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

- o The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

Historic Environment Good Practice Advice in Planning Notes issued by Historic England - 2015

City of Bath World Heritage Site Setting Supplementary Planning Guidance - 2013

Bath Conservation Area Character Appraisal- 2013

There is a duty under Section 66 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.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

OFFICER ASSESSMENT

IMPACT ON THE LISTED BUILDING

The application proposes to create a single storey flat roof side extension onto an end-of-terrace grade II listed cottage that is located on a corner plot of a residential area within the Bath Conservation Area and World Heritage Site.

The proposed single storey extension is to be located within the walls of a former outbuilding. The key area of concern is the need to form an opening in the end elevation of the original building in order to access the extension. A pre-application report explained that there was concern regarding the need to remove part of the wall to the side elevation of the host dwelling to allow access.

The cottage is single depth with a pair of rooms to either side of the hallway/staircase on each floor. This is a simple historic plan form with window and door openings to the front and rear. The simple surviving form of these buildings is considered to be one of the key reasons for their listed status. The comments of Cllr Beath are noted but insufficient evidence has been submitted to support the claim that there was ever a single storey flat roof extension to the side. The evidence submitted within the design justification and heritage statement refers to updated comments from Historic England in 2010 which state that there was evidence of a flat roof side extension. However there seems to be an inconsistency within the comments from Historic English as there is no evidence of the extension. It is agreed that the boundary wall enclosed land adjacent to the house which appears to have probably been the former outside privies and wash house for the terrace. This survival and arrangement adds to the significance of this structure and the terrace. There was never however an extension to this building in this location that included a connecting door in the end elevation to link the main house with the area to the side.

As part of the works to add a single storey side extension elements of the adjoining structure would be demolished and a doorway added through the end wall of the main house. The opening would be created through the alcove next to the fireplace. This alcove is very narrow and there are concerns that inserting an opening through, which would be wide enough for wheelchair access, would entail removing most, if not the whole width of the wall. This would impact adversely on the historic floor plan of the listed building which is an important aspect of its special interest.

It is noted that the applicant has taken the advice from the most recent pre-application report and has changed the roof to a flat roof design with a parapet wall. It is also noted that the current rubble and ashlar wall is not proposed to be re-built in different materials but works are to be undertaken to ensure its retention.

Whilst the flat roof limits the impact of the extension, there are still significant concerns with the proposed insertion of a doorway through the gable wall into the living space. Within the Good Practise Advice produced by Historic England it is advised that alterations to plan form such as this can have a significant impact upon the special interest of a listed building.

Whilst it is considered that the proposal will have harm to the character and appearance of the listed building, this harm is considered to be less than substantial. Therefore in accordance with paragraph 134 of the NPPF this harm must be weighed against the public benefits of an application. In this case the aim of the extension is to provide a level

access for a wheelchair user and allow connection from a new extension to the ground floor of the house. Whilst it is acknowledged that the current occupiers require this access, the personal circumstances of the owners cannot be material considerations in the determination of an application for listed building consent and would not comprise public benefits required to justify the harm to the plan form. Although the design of the extension has been altered to overcome concerns, the doorway into the main house is an essential aspect of the proposal which cannot be altered. It is for these reasons that the proposal is considered unacceptable and the application is recommended for refusal.

IMPACT ON RESIDENTIAL AMENITY AND PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

There are not considered to be any significant negative residential amenity impacts for any surrounding occupiers. Similarly the proposal is also not considered to have any significant negative highway safety impacts. However this does not overcome the issues regarding the loss of the historic plan form of the grade II listed dwelling and the application is recommended for refusal.

CONCLUSION:

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that forming a door opening in the side elevation of the main dwelling would significantly alter the historic plan form of the grade II listed building and thereby have a significant impact of the simple surviving form of the building which is the basis for its listing. The proposal is not considered to comply with paragraphs 132 and 133 of the NPPF (2014) or Policies BH2 or BH6 of the Local Plan (2007). There has been no justification of the proposal in terms of public benefit and therefore the proposal is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The introduction of a door opening in the side elevation of the main dwelling would significantly alter the historic plan form of the grade II listed building. There has been no justification of the proposal in terms of public benefit and therefore the proposal is considered contrary to paragraphs 132 and 133 of the NPPF (2014), saved Policy BH2 of the Bath and North East Somerset Local Plan (2007) and Policy HE1 of the draft Placemaking Plan.

PLANS LIST:

This decision relates to;

The Site Location Plan (no ref) received 3rd January 2017.

Ward:	Combe Down	Parish:	N/A	LB Grade:	N/A
Ward Members:	Councillor Cherry Beath Councillor Bob Goodman				
Application Type:	Listed Building Consent (Alts/exts)				
Proposal:	Erection of a single storey side extension to provide disabled facilities and access into the extension.				
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,				
Applicant:	Ms Jan Symons				
Expiry Date:	7th April 2017				

Case Officer: Chloe Buckingham

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

It was requested by Councillor Cherry Beath for this application to go to committee and the chair of committee has agreed to this request for the following reason:

I have studied this application carefully noting all the pre-app advice & changes made as a result of this advice although not all concerns are solved particularly in relation to the door proposed to link the dwelling to the extension. I note in Cllr Beath's DMC request she refers to there being strong evidence that it was a previously connected building & therefore to allow this issue to be debated fully I recommend the application be determined by the DMC.

DESCRIPTION OF SITE AND APPLICATION:

- This application relates to an end-of-terrace Grade II listed house located within the Bath World Heritage Site and Bath Conservation Area.
- The application seeks planning permission for a single storey side extension to provide disabled facilities and access into the extension

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

Conservation Officer: Due to the substantial alteration of the historic fabric of the Grade II listed building the proposal is not considered to comply with paragraphs 132 and 133 of the NPPF (2014) or Policies BH2 or BH6 of the Local Plan (2007). The proposal is not considered to retain the historic form of the building and it is considered to have a negative impact on this part of the conservation area. There has been no justification of the proposal in terms of public benefit and therefore the proposal is recommended for refusal.

Cllr Cherry Beath: Request to call into committee.

Understand from the pre planning advice the applicant received that there might be difficulties in accepting the adjoining door with the proposed new side extension. If an adjoining door is not thought acceptable this undermines the whole plan for this modest home. Clearly there is strong evidence that there was a previous connected building.

OTHER REPRESENTATIONS / THIRD PARTIES

- No comments received

POLICIES/LEGISLATION

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

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The 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 Council's development plan comprises:

- Bath & North East Somerset Adopted Core Strategy
- Saved policies in the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)
- Adopted Neighbourhood Plans

The following policies of the Adopted Core Strategy are relevant to the determination of the application:

- CP6 - Environmental quality
- B4 - The World Heritage Site (where applicable)

The following saved policies of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of the application.

- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas

Historic Environment Good Practice Advice in Planning Notes issued by Historic England - 2015

City of Bath World Heritage Site Setting Supplementary Planning Guidance - 2013

Bath Conservation Area Character Appraisal- 2013

Placemaking Plan

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report.

The following policy has significant weight:

HE.1 Historic Environment

OFFICER ASSESSMENT

DESCRIPTION OF SITE AND APPLICATION:

- This application relates to an end-of-terrace Grade II listed house located within the Bath World Heritage Site and Bath Conservation Area.

- The application seeks listed building consent for a single storey side extension to provide disabled facilities and access into the extension.

The application proposes to erect a single storey flat roof side extension onto an end-of-terrace grade II listed cottage that is located on a corner plot of a residential area within the Bath Conservation Area and World Heritage Site.

The proposed single storey extension is to be located within the walls of a former outbuilding. The key area of concern is the need to form an opening in the end elevation of the original building in order to access the extension. A pre-application report explained that there was concern regarding the need to remove part of the wall to the side elevation of the host dwelling to allow access.

The cottage is single depth with a pair of rooms to either side of the hallway/staircase on each floor. This is a simple historic plan form with window and door openings to the front and rear. The simple surviving form of these buildings is considered to be one of the key reasons for their listed status. The comments of Cllr Beath are noted but insufficient evidence has been submitted to support the claim that there was ever a single storey flat roof extension to the side. The evidence submitted within the design justification and heritage statement refers to updated comments from Historic England in 2010 which state that there was evidence of a flat roof side extension. However there seems to be an inconsistency within the comments from Historic English as there is no evidence of the extension. It is agreed that the boundary wall enclosed land adjacent to the house which appears to have probably been the former outside privies and wash house for the terrace. This survival and arrangement adds to the significance of this structure and the terrace. There was never however an extension to this building in this location that included a connecting door in the end elevation to link the main house with the area to the side.

As part of the works to add a single storey side extension elements of the adjoining structure would be demolished and a doorway added through the end wall of the main house. The opening would be created through the end wall of the cottage into the existing sitting room through the alcove next to the fireplace. This alcove is very narrow and there are concerns that inserting an opening through, which would be wide enough acceptable for wheelchair access, would entail removing most, if not the whole width of the wall. This would impact adversely on the historic floor plan of the listed building which is an important aspect of its special interest.

It is noted that the applicant has taken the advice from the most recent pre-application report and has changed the roof to a flat roof design with a parapet wall. It is also noted that the current rubble and ashlar wall is not proposed to be re-built in different materials but works are to be undertaken to ensure its retention.

Whilst the flat roof limits the impact of the extension, there are still significant concerns with the proposed insertion of a doorway through the gable wall into the living space. Within the Good Practise Advice produced by Historic England it is advised that alterations to plan form such as this can have a significant impact upon the special interest of a listed building.

Whilst it is considered that the proposal will have harm to the character and appearance of the listed building, this harm is considered to be less than substantial. Therefore in

accordance with paragraph 134 of the NPPF this harm must be weighed against the public benefits of an application. In this case the aim of the extension is to provide a level access for a wheelchair user and allow connection from a new extension to the ground floor of the house. Whilst it is acknowledged that the current occupiers require this access, the personal circumstances of the owners cannot be material considerations in the determination of an application for listed building consent and would not comprise public benefits required to justify the harm to the plan form. Although the design of the extension has been altered to overcome concerns, the doorway into the main house is an essential aspect of the proposal which cannot be altered. It is for these reasons that the proposal is considered unacceptable and the application is recommended for refusal.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that forming a the inclusion of a door opening in the side elevation of the main dwelling would significantly alter the historic plan form of the grade II listed building and thereby have a significant impact of the simple surviving form of the building which is the basis for its listing. The proposal is not considered to comply with paragraphs 132 and 133 of the NPPF (2014) or Policies BH2 or BH6 of the Local Plan (2007). There has been no justification of the proposal in terms of public benefit and therefore the proposal is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The introduction of a door opening in the side elevation of the main dwelling would significantly alter the historic plan form of the grade II listed building. There has been no justification of the proposal in terms of public benefit and therefore the proposal is considered contrary to paragraphs 132 and 133 of the NPPF (2014), saved Policy BH2 of the Bath and North East Somerset Local Plan (2007) and Policy HE1 of the draft Placemaking Plan.

PLANS LIST:

This decision relates to;

The Site Location Plan (no ref) received 3rd January 2017.

The Proposed Plans and Elevations (NRD14-C), Joinery Details (NRD15) received 21st December 2016.

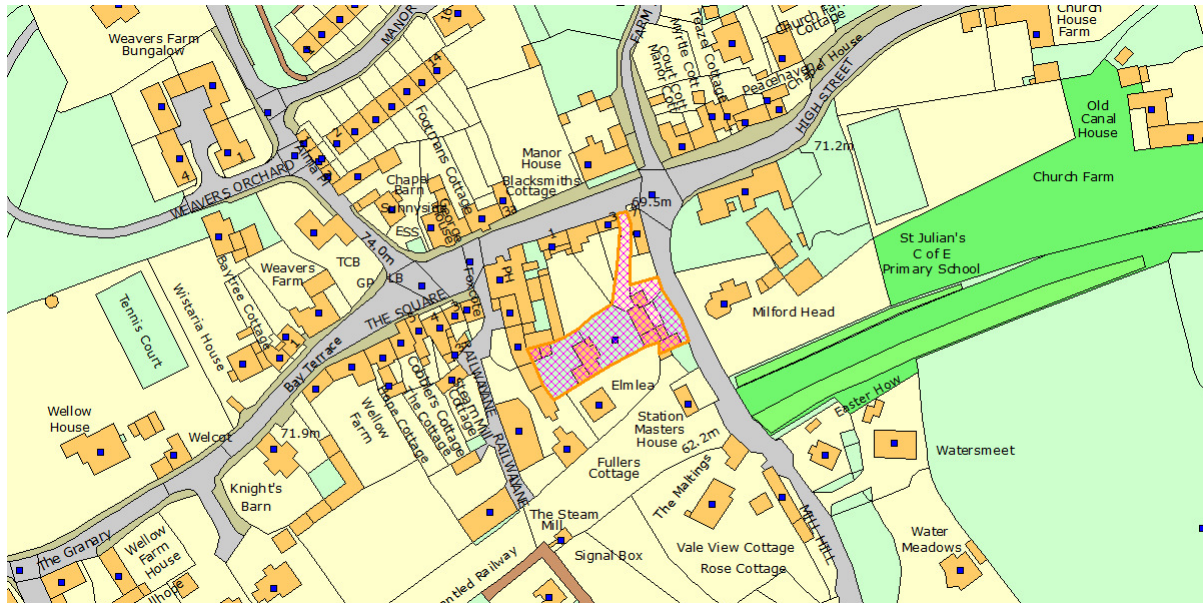
The Existing Plans and Elevations (NR10 Rev A) received 14th February 2017.

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant

was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 14
Application No: 17/00417/FUL
Site Location: Land And Buildings To Rear Of 1-7 High Street Mill Hill Wellow Bath
Bath And North East Somerset



Ward: Bathavon South	Parish: Wellow	LB Grade: II
Ward Members: Councillor Neil Butters		
Application Type: Full Application		
Proposal:	Conversion of former farm buildings to form 1 no. dwelling with associated works. (Resubmission with revisions of 14/01866/FUL).	
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,	
Applicant:	Mr Christopher Watt	
Expiry Date:	27th March 2017	
Case Officer:	Anna Jotcham	

REPORT

The application is being referred to the Committee because the applicant is a Councillor at Bath and North East Somerset Council.

The application site is located within the Bath/Bristol Green Belt, Wellow Conservation Area, Area of Outstanding Natural Beauty and Housing Development Boundary within a parcel of land to the rear of the cottages on the High Street. The site relates to a barn and

stables that are Grade II listed buildings dating back to the 18th and 19th century. Directly to the east of the former stables, on lower ground, is the forge which appears to date back to the late 19th century. The forge is regarded as curtilage listed.

The application follows details agreed as non-material amendments (16/04375/NMA) to a previously approved scheme (14/01866/FUL) currently being implemented. The non-material amendments included changes to windows and glazing elements; new and repositioned rooflights; repositioning and removal of arrow slit windows; insertion of a new door and opening to the barn and kitchen glazing; and a concrete courtyard and driveway.

The current application now seeks permission for revisions to the approved scheme which were not considered to be non-material. These include revisions to the Mill Hill main entrance rooflights; installation of railings and gate to the Mill Hill roadway wall; and works to the rear garden. The application also proposes changes to the approved glass link joining the kitchen and barn. This link has been revised from a flat to a pitched glazed roof and the length has been reduced.

The proposal is accompanied by a listed building application (17/00413/LBA) which will assess the impact of all of the proposed works, including the previously approved non-material amendments, upon the historic fabric of the building.

Planning history

08/01364/LBA - CON - 9 June 2008 - External alterations to include removal of part of stone boundary wall

08/03285/LBA - WD - 19 September 2008 - Internal and external alterations to include conversion of Barn Stables and Forge to form 3 no dwelling units

08/03286/FUL - WD - 23 September 2008 - Conversion of barn, stables and forge to form 3 no dwelling units

09/03171/FUL - WD - 5 April 2011 - Conversion of barn, stables and forge to form 3 no dwelling units (Resubmission)

09/03697/LBA - RF - 19 November 2009 - Internal and external alterations to include conversion of Barn Stables and Forge to form 3 no dwelling units

12/01928/FUL - WD - 24 July 2012 - Alterations and extension to barn, stables and forge to create 2no dwellings

12/01931/LBA - WD - 24 July 2012 - Internal and external alterations and extension to barn, stables and forge to create 2no dwellings

12/03905/FUL - PERMIT - 19 December 2012 - Alterations and extensions to barn, stables and forge to create 2no dwellings (Resubmission)

12/03906/LBA - CON - 14 December 2012 - Internal and external alterations and extensions to barn, stables and forge to create 2no dwellings (Resubmission)

13/02438/LBA - WD - 3 July 2013 - Demolition of 2m section of boundary wall for temporary access

13/02812/FUL - PERMIT - 12 September 2013 - Conversion of former farm buildings to form 1 no. dwelling with associated works. (Resubmission of 12/03905/FUL)

13/02813/LBA - CON - 16 September 2013 - Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission of 12/03906/LBA)

14/00532/NMA - APP - 4 March 2014 - Non Material Amendment to application 13/02812/FUL (Conversion of former farm buildings to form 1 no. dwelling with associated works (Resubmission of 12/03905/FUL))

14/00535/LBA - RF - 23 April 2014 - External alterations to include changes to glazed screen to kitchen and roof materials on barn to approved scheme 13/02813/LBA

14/01866/FUL - PERMIT - 4 August 2014 - Conversion of former farm buildings to form 1No. dwelling with associated works. (Resubmission with revisions of 13/02812/FUL)

14/01867/LBA - CON - 4 August 2014 - Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission with revisions of 13/02813/LBA)

14/02384/LBA - CON - 4 August 2014 - Internal and external alterations to include the erection of single storey rear extension, attic conversion, alterations to roof, installation of conservation lights, removal of modern internal wall and lining wall, reposition of modern staircase to first floor and installation of new staircase to roof space

14/02319/FUL - PERMIT - 8 August 2014 - Erection of rear single storey extension, attic conversion and roof alterations with conservation lights

14/04553/COND - DISCHG - 2 December 2014 - Discharge of conditions 2,3,4 and 5 of application 14/02384/LBA (Internal and external alterations to include the erection of single storey rear extension, attic conversion, alterations to roof, installation of conservation lights, removal of modern internal wall and lining wall, reposition of modern staircase to first floor and installation of new staircase to roof space)

14/04281/COND - RF - 22 October 2015 - Discharge of conditions 2,4 and 9 of application 14/01866/FUL (Conversion of former farm buildings to form 1No. dwelling with associated works. (Resubmission with revisions of 13/02812/FUL))

14/04282/COND - SPLIT - 22 October 2015 - Discharge of conditions 2,3,4,5,6,8,9,10,11,12 and 13 of application 14/01867/LBA (Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission with revisions of 13/02813/LBA)) - OFFICER NOTE - Conditions 2,3,4,5,8,9,10 and 11 were discharged through this application. Condition 6 relating to provision of rooflights details was not discharged because no details were submitted. Condition 12 requiring details for the construction of the swimming pool was not discharged because the works were no longer applicable. Condition 13 requiring

submission of a Wildlife Mitigation and Enhancement Scheme was not discharged because not enough detail was submitted.

16/04369/LBA - WD - 7 December 2016 - Internal and external alterations to include revised entrance, new kitchen roof lights, new glass link to Barn, various elevation amendments including proposed arrow slit removal and repositioning of remaining, repositioning previously proposed roof lights, revised Barn Cart entry glazing/doors, new opening and door to rear, repositioning flue.

16/04375/NMA - APP - 9 January 2017 - Non-material amendments to application 14/01866/FUL (Conversion of former farm buildings to form 1No. dwelling with associated works. (Resubmission with revisions of 13/02812/FUL))

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways - No objection.

Ecology - No objection subject to conditions.

Conservation Officer - No objection subject to conditions being attached to the parallel listed building application.

Wellow Parish Council - Objection to proposed rooflights, gates and railings. Comments summarised as follows:

- Rooflights: These are considerably larger than anything else in Wellow and are different from the conservation rooflights in other parts of this development (and from those which were originally specified for this part). The large surface area will cause considerable light spillage which could affect nocturnal animals and birds, including bats and owls. The proposed rooflights are in a prominent location and may be seen from the church and a number of listed buildings. Their installation will create a precedent in the village which has a large Conservation Area and is in the AONB.

- Gates: In the original design, no vehicular access to the property from Mill Hill was permitted. The proposed gates appear wider than would be needed for just pedestrian access, raising fears that they are intended for vehicles. The original specification should be adhered to.

- Railings: If railings are thought necessary, estate-type railings would be preferable to those proposed, which seem more in keeping with an 18th century town house and might tend to urbanise this part of the development.

Other representations - 7 third party objections were received which can be summarised as follows:

- Size of proposed rooflights are not in keeping with the building or character of village
- Rooflights will result in considerable light pollution in a village which has no street lighting
- Additional light spill has potential to affect bats
- The application appears to be a continuing attempt to skew previous planning permissions
- Concern that the entrance created to the property off Mill Hill could be easily misread as vehicular access which is contrary to the current planning permission

- The pitched glass link will generate light spill onto the neighbouring property Elmlea at the level of the first floor bedrooms and onto the garden
- Proposed changes to the glass link corridor have generated changes to the planned rainwater drainage from the barn, which now drains down the southeastern elevation of the barn on Elmlea side
- Objection to the proposed high level espalier fruit trees along the boundary in the rear garden as these would deprive the neighbouring property of light
- Little consideration has been given to Historic England's - A guide to good practice on the conversion of traditional farm buildings
- The view from the steps of the church has a direct line view of the applicant's roof lights

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 Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)*
- Joint Waste Core Strategy
- Adopted Neighbourhood Plans

Relevant Core Strategy Policies:

- DW1 - District-wide spatial strategy
- SD1 - Presumption in favour of sustainable development
- CP6 - Environmental quality
- CP8 - Green Belt

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy

Relevant Local Plan policies:

- D.2 - General design and public realm considerations
- D.4 - Townscape considerations
- HG.6 - Residential development in the R.3 settlements
- HG.12 - Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and reuse of empty dwellings.
- GB.2 - Visual amenities of Green Belt
- NE.2 - Areas of Outstanding Natural Beauty
- NE.10 - Nationally important species and habitats
- NE.11 - Locally important species and habitats
- BH.2 - Listed buildings and their settings
- BH.6 - Development within of affecting Conservation Areas
- BH.22 - External lighting
- T.24 - General development control and access policy

Placemaking Plan

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

- D.1 - General urban design principles
- D.2 - Local character and distinctiveness
- D.5 - Building design
- D.6 - Amenity
- GB.1. - Visual amenities of the Green Belt
- GB.3 - Extensions and alterations to buildings in the Green Belt
- H7 - Housing accessibility*
- SCR5 - Water Efficiency*

The following policies are given significant weight:

- D.8 - Lighting
- HE1 - Historic Environment
- NE.3 - Sites, species and habitats
- ST7 - Transport requirements for managing development and parking standards*

* It should be noted that the current application is a revision of a development nearing completion and the revisions would not require compliance with these emerging policies.

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

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

There is 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.

OFFICER ASSESSMENT

There is a history of proposals for this site and pre-application discussions.

Principle of development

The application site is located within an R.3 settlement where the conversion of a building to a residential use is considered under policy HG.6. This policy supports the principle of the proposed development. However this must be balanced with other policies, including impact on amenity, listed buildings and the Conservation Area and impact on protected species.

Permission has previously been granted for the conversion and linking of the barns and development has commenced on site. The material alterations to the proposal are the revisions to the Mill Hill main entrance rooflights and approved glass link joining the kitchen and barn which will be reduced in length and altered from a flat to a pitched glazed roof. Installation of railings and a gate to the Mill Hill roadway wall and engineering works to the rear garden are also proposed.

Character and appearance

The design of the conversion and proposed link element to form one residential unit was agreed through the previous planning and listed building applications.

The amended roof detail of the modern link extension including a pitched glazed roof and the increase in length of the solid roof have been subject to scrutiny through the planning and parallel listed building application and are regarded as acceptable. The encroachment and increased proximity of the link element is not regarded as detrimental to the listed building. The amended detail of the rooflights within the modern link comprising modern strip style glazed panels is also regarded as acceptable. It is not considered that these changes would have an adverse impact on the setting of the historic building or the wider Conservation Area. Furthermore, they help define and make legible old and new elements of the development.

The proposed railings and gate to the Mill Hill roadway wall have been amended through the planning application process and are now considered acceptable. The initially proposed ornate design has been simplified and now resembles estate fencing which is considered more appropriate for the rural, informal and agricultural context. A condition requiring further details of the railings and gates to be submitted to and approved by the local planning authority prior to their installation has been attached to the parallel listed building application.

Works to the rear garden area are also regarded as acceptable and are considered to offer an enhancement to the setting of the listed building. Samples of materials will be required via planning condition to ensure that the proposed materials are appropriate for the context.

Overall, the proposed conversions have been sympathetically designed to ensure the integrity of the buildings are preserved whilst providing a functional re-use of the buildings which is considered to enhance the character and appearance of this part of the Conservation Area and secures the future preservation of the listed buildings.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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. Here, it is considered that the design, scale, massing and use of materials will not cause serious harm to the character and setting of the listed building.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the

character of the surrounding conservation area. Here it is considered that the proposed extension will not harm the appearance or visual quality of the Conservation Area.

Green Belt

The NPPF sets out the broad types of development that are appropriate within the Green Belt and one such form of development is infilling within settlement boundaries and the re-use of rural buildings which is in accordance with the saved local plan policy ET.9.

Consideration has been given with regards to the Green Belt Policy. The proposal cannot be considered under policy ET.9 as it refers to rural buildings outside the scope of HG.6. The proposal as addressed above is within and R.3 settlement and complies with the criteria within policy HG.6.

R.3 settlements are restricted to infilling of new dwellings or subdivision/conversion of existing buildings.

Rural character

In addition to the openness of the Green Belt, rural character must be a consideration when determining applications. When assessing this, the following criteria will be considered:

- Location and siting
- Design (size and scale)
- Impact on natural environment
- Impact on Built and Historic Environment

The requirements relating to design are that development should respond to its local context and in the case of extensions, respect and compliment their host dwelling. The proposal involves the conversion and repair of the existing outbuildings which are listed due to their historic/architectural importance, all repairs will be made good to match the existing buildings, in respect of material, pointing and coursing. It is proposed that the materials will either match or will be sympathetic to the existing buildings and will be of an architectural style to match that of the host building, thereby responding to their local context. The alterations do not change the local distinctiveness of the surrounding landscape and are therefore considered to preserve the rural character of the area and local distinctiveness of the surrounding AONB.

The proposal will restore these historic assets that are registered as buildings at risk and will secure their future preservation by conversion to a residential use.

The proposed development is located within the built environment of a rural village which sits comfortably within the hillside and the proposal is considered to preserve the natural distinctiveness of the natural environment within this locality, a landscape condition will be attached to ensure an appropriate scheme is adopted that will preserve the balance between the natural and built environment.

Ecology

The proposal incorporates a range of bat mitigation features suitable as compensation for impacts on a single pipistrelle bat roost which was found at the site from previous bat survey work. Bats are protected Under the EU directive and as such any development that would result in a breach (disruption or destruction) of the Habitats Regulations (meaning that a bat license is required from Natural England) would have to be assessed against the three tests outlined in the directive.

With regard to the three tests, noted in the observations of the ecologist these are as follows:

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.

The buildings are listed Grade II listed and on the Council's Buildings at Risk Register. The buildings are also located in Wellow Conservation Area. Due to their heritage significance a scheme needs to be agreed which will find an economic use for the buildings and ensure their repair. To ensure the assets are conserved for the benefit of this and future generations.

There is a justification to allow the works in compliance with test 1 of the habitats regulations.

2. There is no satisfactory alternative.

This test is concerned with the works proposed and whether the scheme as submitted is the only satisfactory option and that there are no alternatives available.

The development would allow the conservation of important buildings which are in urgent need of repair. The conversion to the two buildings to one residential unit is appropriate. The "do nothing" option is not advisable as the stables in particular will continue to deteriorate and ultimately the building may be lost through structural deterioration, this option would therefore not be of interest or benefit to either the bats or the historic environment.

3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

The applicants have had a full survey carried out and mitigation measures outlined, part of which has been incorporated into the design of the barn. The Council's Ecologist is supportive of the application subject to suitable conditions.

In conclusion, officers consider that the derogation tests are met with regard to the site. Subject to the scheme being implemented in accordance with the approved Bat Mitigation Scheme, there would be no deliberate disturbance caused.

Amenity

The application proposes to utilise where possible existing openings to provide light and ventilation into the new dwellings, some new openings are proposed but they are

generally small and adopt the same fenestration design as the others. The proposed enlarged rooflights on the Mill Hill elevation will overlook the school but is not considered to cause loss of privacy, especially as this view is only obtainable when walking down the stairs from the kitchen and ground/courtyard level to hallway/lower ground floor. Whilst there is not considered to be direct overlooking it is acknowledged that there will be an increased sense of being overlooked from the street, however the level of harm caused is not considered to be significant enough to warrant a reason for refusal.

The modern link extension is within close proximity of Elm Lea and it is acknowledged that the changes to the roof of the glazed link, from flat to pitched, has potential to cause an increased sense of enclosure. However, although the height of the glazed roof will be elevated it is not considered that that will increase the risk of direct overlooking. Furthermore, although the proposed roof will sit higher than the previously approved and as such will create a greater shadow effect, the space at the rear of Elm Lea dwelling appears to be used as a small courtyard and not as the main amenity space located to the north east of the property which is well screened by mature landscaping.

Highways

There is an existing vehicular access which leads past Forge Cottage, from the main High Street, and then onto the application site, it is proposed to use this as the main access, a courtyard to the front of the stables will provide adequate parking and turning for users of the development and the driveway follows round to the rear of the barn where there is a garage. The yard will also be landscaped simply therefore avoiding an over domestic appearance.

Concern has been raised through the consultation process that the proposed new gates on the Mill Hill elevation are intended for vehicles. However the agent has confirmed that this is not the case and vehicular access would not be supported anyway due to restricted visibility. Nevertheless, for the avoidance of doubt and on the grounds of highway safety it is recommended that a condition is attached to any permission to restrict the use of this side gate to pedestrian access only.

Conclusion

The barn structures are of visual quality and historic interest, and justify their retention by conversion into residential use in accordance with policy BH.2. The proposed scheme of conversions would retain the character of both buildings and thus contribute to the surrounding built environment which will enhance the character and appearance of this part of the Conservation Area and preserves the local distinctiveness of the AONB in accordance with saved policies BH.6 and NE.2. The proposal will re-use an existing building within the housing development boundary and is considered to preserve the openness and rural character of the Green Belt in accordance with policy HG.6, HG.12 and GB.2. Some harm may arise in terms of amenity behind neighbouring dwellings however this is not considered significant enough to warrant a reason for refusal.

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 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

3 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

4 Implementation of Wildlife Scheme (Pre-occupation)

The development hereby approved shall be implemented only in accordance with the approved Bat Mitigation Scheme version 2 by CTM Wildlife dated 15th December 2016. Within 12 months of occupation of the development hereby approved a report produced by a suitably experienced ecologist (licenced bat worker) confirming and demonstrating, using photographs where appropriate, full implementation of the measures and recommendations of the Wildlife Protection and Enhancement Scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include information to demonstrate that the operational lighting does not exceed the lux levels within the orange and yellow shaded zones shown on the approved Bat Mitigation Scheme Version 2 dated 15th December 2016.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

5 Removal of Permitted Development Rights - No Windows (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in any elevation at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

6 Removal of Permitted Development Rights - No extensions or alterations (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

7 Removal of Permitted Development Rights - No outbuildings (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

8 Disposal of surface water (Compliance)

The development shall not be occupied until details for the disposal of surface water including the means of outfall has been submitted to, and approved in writing by the Local Planning Authority.

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

9 Parking (Compliance)

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

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

10 Garage (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 in accordance with Policy T.26 of the Bath and North East Somerset Local Plan.

11 Mill Hill access (Compliance)

The access off Mill Hill shown on drawing no. 101 Rev C, received 16 March 2017 shall be used for pedestrian access only.

Reason: In the interests of highway safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

PLANS LIST:

This decision relates to the Bat Mitigation Scheme version 2 by CTM Wildlife dated 15th December 2016; associated bat tube and ridge tile access details received 29 January 2017; drawing nos. 2544-17; W-503-A; W-505-A; W-901-B; and W-903 received on 29 January 2017; W-101 C; W-502-B; W-904 received 15 March 2017; and W-900-C received on 16 March 2017.

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.

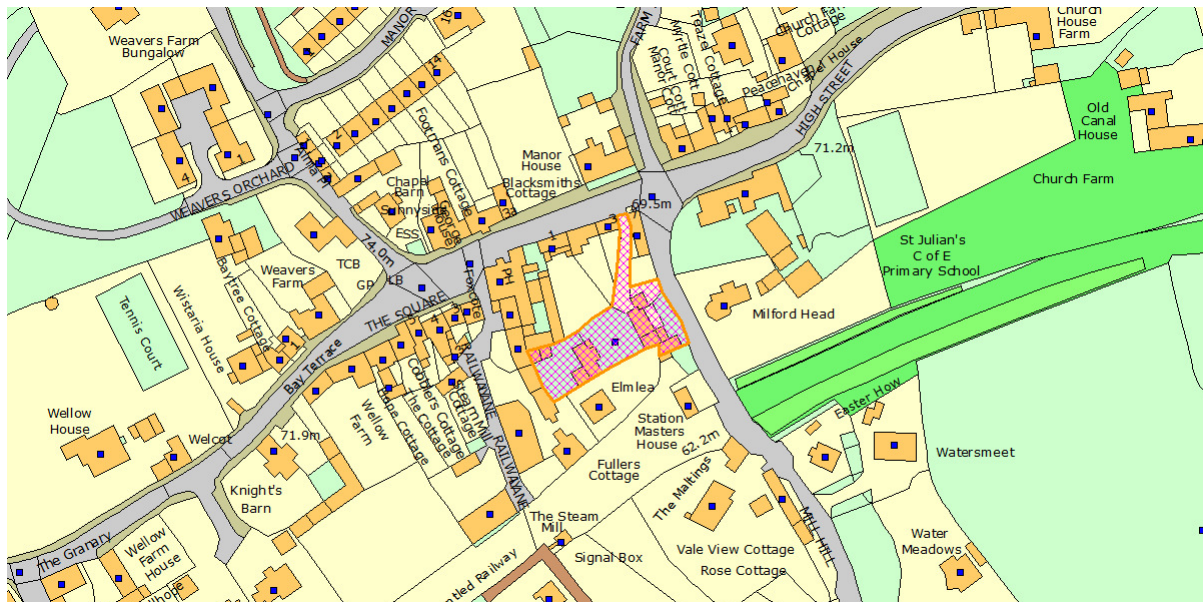
Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens

after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

Item No: 15
Application No: 17/00413/LBA
Site Location: Land And Buildings To Rear Of 1-7 High Street Mill Hill Wellow Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Wellow **LB Grade:** II
Ward Members: Councillor Neil Butters
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission with revisions of 14/01867/LBA).
Constraints: Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,
Applicant: Mr Christopher Watt
Expiry Date: 27th March 2017
Case Officer: Anna Jotcham

REPORT

The application is being referred to the Committee because the applicant is a Councillor at Bath and North East Somerset Council.

The site relates to a barn and stables that are Grade II listed buildings dating back to the 18th and 19th century. Directly to the east of the former stables, on lower ground, is the forge which appears to date back to the late 19th century. The forge is regarded as curtilage listed. The application site is located within the Wellow Conservation Area.

The application is a resubmission of a previously approved scheme which is currently being implemented. It is proposed to make changes to rooflights/windows and glazing elements; insert a new door and opening to the barn and kitchen glazing; create a concrete courtyard and driveway; install railings and gate to the Mill Hill roadway wall and undertake works to the rear garden. The application also seeks to make changes to the approved glass link joining the kitchen and barn. This link has been revised from a flat to a pitched glazed roof and the length has been reduced.

The proposal is accompanied by a parallel planning application (17/00417/FUL).

Planning history

08/01364/LBA - CON - 9 June 2008 - External alterations to include removal of part of stone boundary wall

08/03285/LBA - WD - 19 September 2008 - Internal and external alterations to include conversion of Barn Stables and Forge to form 3 no dwelling units

08/03286/FUL - WD - 23 September 2008 - Conversion of barn, stables and forge to form 3 no dwelling units

09/03171/FUL - WD - 5 April 2011 - Conversion of barn, stables and forge to form 3 no dwelling units (Resubmission)

09/03697/LBA - RF - 19 November 2009 - Internal and external alterations to include conversion of Barn Stables and Forge to form 3 no dwelling units

12/01928/FUL - WD - 24 July 2012 - Alterations and extension to barn, stables and forge to create 2no dwellings

12/01931/LBA - WD - 24 July 2012 - Internal and external alterations and extension to barn, stables and forge to create 2no dwellings

12/03905/FUL - PERMIT - 19 December 2012 - Alterations and extensions to barn, stables and forge to create 2no dwellings (Resubmission)

12/03906/LBA - CON - 14 December 2012 - Internal and external alterations and extensions to barn, stables and forge to create 2no dwellings (Resubmission)

13/02438/LBA - WD - 3 July 2013 - Demolition of 2m section of boundary wall for temporary access

13/02812/FUL - PERMIT - 12 September 2013 - Conversion of former farm buildings to form 1 no. dwelling with associated works. (Resubmission of 12/03905/FUL)

13/02813/LBA - CON - 16 September 2013 - Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission of 12/03906/LBA)

14/00532/NMA - APP - 4 March 2014 - Non Material Amendment to application 13/02812/FUL (Conversion of former farm buildings to form 1 no. dwelling with associated works (Resubmission of 12/03905/FUL))

14/00535/LBA - RF - 23 April 2014 - External alterations to include changes to glazed screen to kitchen and roof materials on barn to approved scheme 13/02813/LBA

14/01866/FUL - PERMIT - 4 August 2014 - Conversion of former farm buildings to form 1No. dwelling with associated works. (Resubmission with revisions of 13/02812/FUL)

14/01867/LBA - CON - 4 August 2014 - Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission with revisions of 13/02813/LBA)

14/02384/LBA - CON - 4 August 2014 - Internal and external alterations to include the erection of single storey rear extension, attic conversion, alterations to roof, installation of conservation lights, removal of modern internal wall and lining wall, reposition of modern staircase to first floor and installation of new staircase to roof space

14/02319/FUL - PERMIT - 8 August 2014 - Erection of rear single storey extension, attic conversion and roof alterations with conservation lights

14/04553/COND - DISCHG - 2 December 2014 - Discharge of conditions 2,3,4 and 5 of application 14/02384/LBA (Internal and external alterations to include the erection of single storey rear extension, attic conversion, alterations to roof, installation of conservation lights, removal of modern internal wall and lining wall, reposition of modern staircase to first floor and installation of new staircase to roof space)

14/04281/COND - RF - 22 October 2015 - Discharge of conditions 2,4 and 9 of application 14/01866/FUL (Conversion of former farm buildings to form 1No. dwelling with associated works. (Resubmission with revisions of 13/02812/FUL))

14/04282/COND - SPLIT - 22 October 2015 - Discharge of conditions 2,3,4,5,6,8,9,10,11,12 and 13 of application 14/01867/LBA (Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission with revisions of 13/02813/LBA)) - OFFICER NOTE - Conditions 2,3,4,5,8,9,10 and 11 were discharged through this application. Condition 6 relating to provision of rooflights details was not discharged because no details were submitted. Condition 12 requiring details for the construction of the swimming pool was not discharged because the works were no longer applicable. Condition 13 requiring submission of a Wildlife Mitigation and Enhancement Scheme was not discharged because not enough detail was submitted.

16/04369/LBA - WD - 7 December 2016 - Internal and external alterations to include revised entrance, new kitchen roof lights, new glass link to Barn, various elevation amendments including proposed arrow slit removal and repositioning of remaining, repositioning previously proposed roof lights, revised Barn Cart entry glazing/doors, new opening and door to rear, repositioning flue

16/04375/NMA - APP - 9 January 2017 - Non-material amendments to application 14/01866/FUL (Conversion of former farm buildings to form 1No. dwelling with associated works. (Resubmission with revisions of 13/02812/FUL))

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ecology - No objection subject to conditions.

Conservation Officer - No objection subject to conditions.

Wellow Parish Council - Objection to proposed rooflights, gates and railings. Comments summarised as follows:

- Rooflights: These are considerably larger than anything else in Wellow and are different from the conservation rooflights in other parts of this development (and from those which were originally specified for this part). The large surface area will cause considerable light spillage which could affect nocturnal animals and birds, including bats and owls. The proposed rooflights are in a prominent location and may be seen from the church and a number of listed buildings. Their installation will create a precedent in the village which has a large Conservation Area and is in the AONB.
- Gates: In the original design, no vehicular access to the property from Mill Hill was permitted. The proposed gates appear wider than would be needed for just pedestrian access, raising fears that they are intended for vehicles. The original specification should be adhered to.
- Railings: If railings are thought necessary, estate-type railings would be preferable to those proposed, which seem more in keeping with an 18th century town house and might tend to urbanise this part of the development.

Other representations - 6 third party objections were received which can be summarised as follows:

- Size of proposed rooflights are not in keeping with the building or character of village
- Rooflights will result in considerable light pollution in a village which has no street lighting
- Additional light spill has potential to affect bats
- The application appears to be a continuing attempt to skew previous planning permissions
- Concern that the entrance created to the property off Mill Hill could be easily misread as vehicular access which is contrary to the current planning permission
- Little consideration has been given to Historic England's - A guide to good practice on the conversion of traditional farm buildings
- The view from the steps of the church has a direct line view of the applicant's roof lights

POLICIES/LEGISLATION

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

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

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The 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 Council's development plan comprises:

- Bath & North East Somerset Adopted Core Strategy
- Saved policies in the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)
- Adopted Neighbourhood Plans

The following policies of the Adopted Core Strategy are relevant to the determination of the application:

- CP6 - Environmental quality

The following saved policies of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of the application.

- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas

Placemaking Plan

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policy is given significant weight:

- HE1 - Historic Environment

OFFICER ASSESSMENT

There is a history of proposals for this site and pre-application discussions.

Permission has previously been granted for the conversion and linking of the barns and development has commenced on site. The material alterations to the proposal are the revisions to the Mill Hill main entrance rooflights and approved glass link joining the kitchen and barn which will be reduced in length and altered from a flat to a pitched glazed

roof. Installation of railings and a gate to the Mill Hill roadway wall and engineering works to the rear garden are also proposed. Changes to windows and glazing elements; new and repositioned rooflights; repositioning and removal of arrow slit windows; insertion of a new door and opening to the barn and kitchen glazing; and a concrete courtyard and driveway have also been considered through this application.

The principle of the conversion and design of the proposed link element to form one residential unit was agreed through the previous planning and listed building applications.

The amended roof detail of the modern link extension including a pitched glazed roof and the increase in length of the solid roof have been subject to scrutiny through the planning application process and are regarded as acceptable. The encroachment and increased proximity of the link element is not regarded as detrimental to the listed building. The amended detail of the rooflights within the modern link comprising modern strip style glazed panels is also regarded as acceptable. It is not considered that these changes would have an adverse impact on the setting of the historic building or the wider Conservation Area. Furthermore, they help define and make legible old and new elements of the development.

The proposed railings and gate to the Mill Hill roadway wall have been amended through the planning application process and are now considered acceptable. The initially proposed ornate design has been simplified and now resembles estate fencing which is considered more appropriate for the rural, informal and agricultural context. A condition requiring further details of the railings and gates to be submitted to and approved by the local planning authority prior to their installation has been attached to the decision notice.

Works to the rear garden area are also regarded as acceptable and are considered to offer an enhancement to the setting of the listed building. Samples of materials will be required via planning condition to ensure that the proposed materials are appropriate for the context.

The application proposes a new door opening in the rear barn / living room. This will entail the loss of some historic building fabric however this harm is weighed against significant benefits to the heritage asset as a whole from the proposals in their entirety. The proposals are regarded as good quality, well designed and sensitive which will result in the appropriate repair of the protected agricultural buildings. Details of the other door on the rear barn elevation, which will be installed within the historic opening, will also be secured by an appropriate condition. This condition will also require details relating to the installation and fixing of the proposed glazed panel to be submitted to and approved by the local planning authority.

Overall, the proposed conversions have been sympathetically designed to ensure the integrity of the buildings are preserved whilst providing a functional re-use of the buildings which is considered to enhance the character and appearance of this part of the Conservation Area and secures the future preservation of the listed buildings.

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

considered that the design, scale, massing and use of materials will preserve the architectural interest of the protected buildings.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the proposed extension will enhance the appearance and visual quality of the Conservation Area.

Ecology

The proposal incorporates a range of bat mitigation features suitable as compensation for impacts on a single pipistrelle bat roost which was found at the site from previous bat survey work. Bats are protected Under the EU directive and as such any development that would result in a breach (disruption or destruction) of the Habitats Regulations (meaning that a bat license is required from Natural England) would have to be assessed against the three tests outlined in the directive.

With regard to the three tests, noted in the observations of the ecologist these are as follows:

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.

The buildings are listed Grade II listed and on the Council's Buildings at Risk Register. The buildings are also located in Wellow Conservation Area. Due to their heritage significance a scheme needs to be agreed which will find an economic use for the buildings and ensure their repair. To ensure the assets are conserved for the benefit of this and future generations.

There is a justification to allow the works in compliance with test 1 of the habitats regulations.

2. There is no satisfactory alternative.

This test is concerned with the works proposed and whether the scheme as submitted is the only satisfactory option and that there are no alternatives available.

The development would allow the conservation of important buildings which are in urgent need of repair. The conversion to the two units to one residential unit is appropriate. The do nothing option is not advisable as the stables in particular will continue to deteriorate and ultimately the building may be lost through structural deterioration, this option would therefore not be of interest or benefit to either the bats or the historic environment.

3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

The applicants have had a full survey carried out and mitigation measures outlined, part of which has been incorporated into the design of the barn. The Council's Ecologist is supportive of the application subject to suitable conditions.

In conclusion, officers consider that the derogation tests are met with regard to the site. Subject to the scheme being implemented in accordance with the approved Bat Mitigation Scheme, there would be no deliberate disturbance caused.

Conclusion

The barn structures are of visual quality and historic interest, and justify their retention by conversion into residential use in accordance with policy BH.2 and the NPPF. The proposed scheme of conversions would retain the character of both buildings and thus contribute to the surrounding built environment which will enhance the character and appearance of this part of the Conservation Area and preserves the local distinctiveness of the AONB in accordance with saved policies BH.6 and NE.2.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Materials - repointing (Compliance)

The re-pointing of existing walls hereby approved shall be undertaken in accordance with the approved sample pointing panel previously agreed on site and discharged under application 14/04282/COND issued 22 October 2015.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

3 Materials - new walls (Compliance)

Erection of new walls hereby approved shall be undertaken in accordance with the approved sample panel previously agreed on site and discharged under application 14/04282/COND issued 22 October 2015.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

4 Structural report (Compliance)

The extension works hereby approved shall be carried out in accordance with the structural report details submitted and approved under application 14/04282/COND issued 22 October 2015.

Reason: To avoid damage to the structural integrity of the listed building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

5 Materials - roof (Compliance)

Re-cladding of the roofs of the listed building shall be undertaken in accordance with the approved clay double roman roof tile sample previously agreed on site and discharged under application 14/04282/COND issued 22 October 2015.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

6 External fittings (Bespoke Trigger)

Prior to the fitting of any external vents, gas or electricity meter inspection boxes details of their appearance and location on the buildings shall be submitted to and agreed in writing by the local planning authority.

Reason: To safeguard the character and appearance of the listed buildings in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

7 Materials - Paint finish (Compliance)

External joinery shall be painted and finished in accordance with the letter dated 05/09/2014 and discharged under application 14/04282/COND issued 22 October 2015.

Reason: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

8 Materials - Floors and interior walls (Compliance)

Works on the existing floors and interior walls of the listed building shall be undertaken in accordance with the specification of works included in the letter dated 05/09/2014 and discharged under application 14/04282/COND issued 22 October 2015.

Reason: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

9 Repair works - first floor and roof structure (Compliance)

Repair works to the first floor and roof structure in the stables and the roofs of the barn and forge shall be carried out in accordance with the structural engineer's report submitted and approved under application 14/04282/COND issued 22 October 2015.

Reason: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

10 Rear timber barn door and glazed screen (Bespoke Trigger)

Prior to the installation of the proposed new rear timber barn door and glazed screen details comprising 1:20 elevations and half sized vertical and horizontal sections and fixing details relating to the glazed screen shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved detail.

Reason: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

11 Details - gate and railings (Bespoke Trigger)

No installation of the metal gate and railings on the Mill Hill elevation shall commence until appropriately scaled section (1:1 or 1:2) and elevation drawings (1:10) including details of the proposed finish have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan and to safeguard the character and appearance of the Conservation Area in accordance with Policy BH.6 of the Bath and North East Somerset Local Plan.

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

No construction of the external walls and surfaces surrounding the development hereby approved shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

13 Implementation of Wildlife Scheme (Pre-occupation)

The development hereby approved shall be implemented only in accordance with the approved Bat Mitigation Scheme version 2 by CTM Wildlife dated 15th December 2016. Within 12 months of occupation of the development hereby approved a report produced by a suitably experienced ecologist (licenced bat worker) confirming and demonstrating, using photographs where appropriate, full implementation of the measures and recommendations of the Wildlife Protection and Enhancement Scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include information to demonstrate that the operational lighting does not exceed the lux levels within the orange and yellow shaded zones shown on the approved Bat Mitigation Scheme Version 2 dated 15th December 2016.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

PLANS LIST:

This decision relates to the Bat Mitigation Scheme version 2 by CTM Wildlife dated 15th December 2016; associated bat tube and ridge tile access details received 29 January 2017; drawings nos. 2544-17; W-102-A; W-503-B; W-504-A; W-505-A; W-505-B; W-901-C received on 29 January 2017; and W-101 D; W-502 C; W-900 D received on 16 March 2017.

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 a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.