

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **5th June 2019**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	18/02543/FUL 14 September 2018	Sustrans Ltd Chew Valley Lake Walking And Cycle Trail, Walley Lane, Chew Magna, Bristol, Bath And North East Somerset Creation of a leisure trail for walkers and cyclists around Chew Valley Lake (including associated engineering works). NOW AMENDED SUCH THAT THE EASTERN SECTION AND SOUTHERN SECTION ARE NOW EXCLUDED FROM THE APPLICATION. PERMISSION NOW SOUGHT FOR NORTH-WEST SECTION ONLY (overview as shown in document entitled 'Chew Valley Lake Recreational Trail North West Section', May 2018, Sustrans/Bristol Water).	Chew Valley	Chris Gomm	PERMIT
02	19/00810/FUL 6 June 2019	Mr B Walters Pond House, Rosemary Lane, Freshford, Bath, Bath And North East Somerset Extension and alterations to Pond House (Revised Application)	Bathavon South	Samantha Mason	REFUSE
03	19/00457/FUL 10 May 2019	Mr Andrew De Thierry Freedom House, Lower Bristol Road, Westmoreland, Bath, BA2 1EP The addition of metal fencing/ railings fixed to the top of the existing rubble stone wall to western, northern and eastern boundaries of the Freedom House site perimeter.	Twerton	Caroline Power	REFUSE
04	19/00297/LBA 10 May 2019	Mr Andrew De Thierry Freedom House, Lower Bristol Road, Westmoreland, Bath, BA2 1EP Erection of a metal fence to the existing rubble stone boundary wall to western, northern and eastern boundaries.	Twerton	Caroline Power	REFUSE

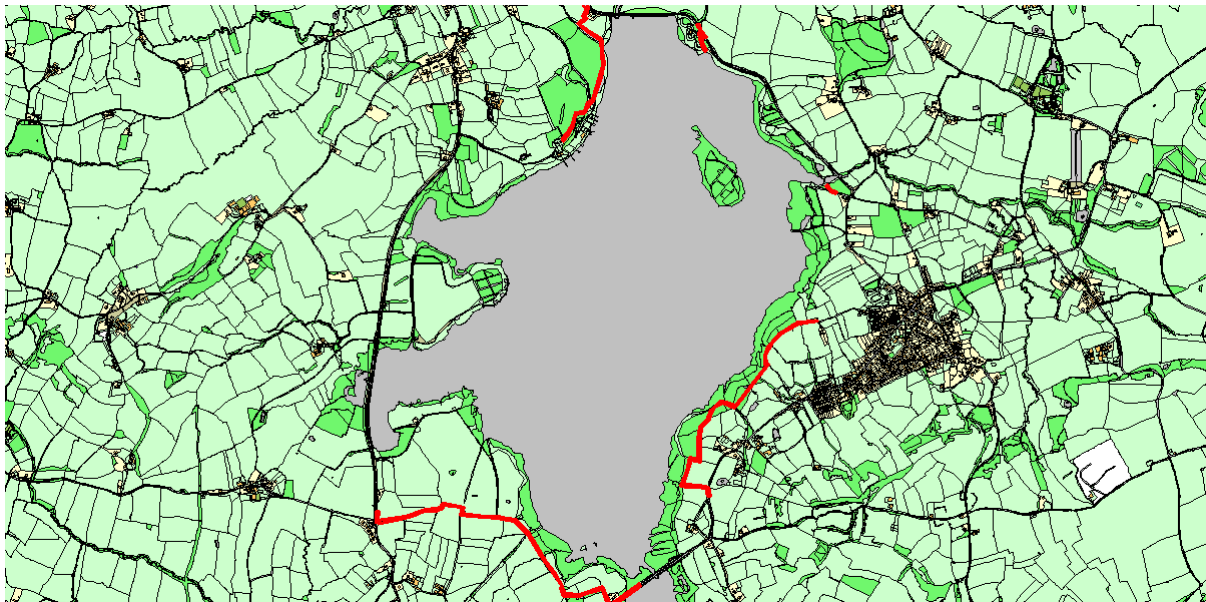
Internal & external alterations to include installation of 1st to 2nd floor staircase. Installation of 2 conservation roof windows on rear roof slope. Board up roof void over joists. Install plaster board under rafters with skim finish. Covert bathroom to bedroom.

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01

Application No: 18/02543/FUL

Site Location: Chew Valley Lake Walking And Cycle Trail Walley Lane Chew Magna
Bristol Bath And North East Somerset



Ward: Chew Valley

Parish: Chew Magna

LB Grade: N/A

Ward Members: Councillor Vic Pritchard, Councillor Karen Warrington

Application Type: Full Application

Proposal: Creation of a leisure trail for walkers and cyclists around Chew Valley Lake (including associated engineering works). NOW AMENDED SUCH THAT THE EASTERN SECTION AND SOUTHERN SECTION ARE NOW EXCLUDED FROM THE APPLICATION. PERMISSION NOW SOUGHT FOR NORTH-WEST SECTION ONLY (overview as shown in document entitled 'Chew Valley Lake Recreational Trail North West Section', May 2018, Sustrans/Bristol Water).

Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable

Housing Zones, Cycle Route, Flood Zone 2, Flood Zone 3, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SAC and SPA, Policy NE3 SNCI, Policy NE3 SSSI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, Neighbourhood Plan, Public Right of Way, SSSI - Impact Risk Zones, Policy ST2A Recreational Routes-Cycle Ro, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Sustrans Ltd
Expiry Date: 14th September 2018
Case Officer: Chris Gomm
To view the case click on the link [here](#).

REPORT

Background

Full planning permission is sought for the formation of a cycle path/recreational trail at Chew Valley Lake. The application as first submitted sought permission for a path to encircle the lake in its entirety; the application has since been fundamentally amended such that permission is only now sought for the north-western section (i.e. that section between Woodford Lodge sailing club and the tea rooms). The remaining sections of the route are now no longer part of the application.

A second significant amendment was made to the application in March 2019. The proposed route previously crossed Walley Lane and passed through the grounds of the pumping station before re-crossing Walley Lane. The route has now been amended such that it will instead cross the dam by following the course of the highway - on a widened segregated cyclepath/footway.

Bristol Water has formed a partnership with B&NES, West of England Rural Network (WERN) and the Mendip Hills AONB service to bring this project forward. The project team has submitted an Expression of Interest to bid for funding from the Rural Development Programme England (RDPE) Rural Growth Programme Fund; this received approval to progress to full application in early 2018.

The Application Site

Chew Valley Lake and its margins is a designated Site of Special Scientific Interest (SSSI). Furthermore the lake and its margins are an internationally designated Special Protection Area; it is also a locally designated Site of Nature Conservation Importance (SNCI). The site sits within the Mendip Hills Area of Outstanding Natural Beauty (AONB) as well as the Bristol/Bath Green Belt.

There is no relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS CONSULTATION RESPONSES

B&NES Highways Team: No objection

- o The amendments represent a significant improvement to the route (along the southern side of Walley Lane). The highway authority is supportive of this revised approach;
- o The submission includes proposed changes to the local speed limit for Walley Lane. There is no objection to this and this process would need to be fully funded as part of the project. The highway authority is content that an appropriate speed change would be achievable;
- o Revisions at the western end of the scheme and through the Salt & Malt car park represent a significant improvement on that previously proposed;
- o The highway carriageway width across the dam structure would be changed, and a significantly wider pedestrian/cycleway would be provided along the southern side of the structure. There is no objection to this, but the design of the scheme within the highway will need to be part of a further design check process (pursuant to the Highway Act);
- o There will be a need for a pedestrian crossing point to the west of the dam to be incorporated within any design as the footway across the northern side of the dam structure would be removed as a consequence of the scheme;
- o It is recommended that a condition is secured that requires all of the detailed design drawings to be submitted to the planning authority before any construction commences;
- o To facilitate the link located to the north of the sailing club the route would need to cross a section of Woodford Lane. Due to the elevation change it is likely that a section of the existing highway would need to be stopped up. This can be dealt with by means of separate legislation but this should be in place before the development is first brought into use;
- o There is clearly a level change at the western end of the dam structure, and I am aware that this is being reviewed by the applicant with the land owner. Again this can be secured by means of the detailed design package

Natural England: No objection (subject to the identified mitigation measures). NE are broadly content with the HRA and agree with its conclusion that the scheme, reduced in scope and extent from the original application, will not adversely affect integrity of the Chew Valley Lake Special Protection Area.

B&NES Arboricultural Officer: No objection (subject to conditions)

The application has been revised and significantly reduced in area covered. The scale of the application is now such that the development of a detailed Arboricultural Method Statement incorporating a tree works schedule would be practical. The submission of this information can be conditioned and would be the subject of future approval.

B&NES Conservation Team: No objection

The applicant has provided an Initial Heritage Appraisal and subsequent heritage assessment by Wessex Archaeology. The initial assessment used a 250m study area and the subsequent study assessed a buffer of 500m for the southern area with a concentration on the impact upon Burlledge Hill.

The combination of these assessments is considered sufficient to demonstrate that, whilst there are a number of designated and undesignated heritage assets in the area, the setting of these features will not be significantly impacted upon by the development.

B&NES Archaeology: No objection subject to conditions

B&NES Landscape: Objection (but does not recommend refusal)

The development proposals are not acceptable in their current form because they fail to present sufficient evidence to substantiate the summary and conclusions of the submitted LVIA or that the findings of the LVIA have been used to inform the design and location of the development proposals.

If not submitted and approved prior to the determination of this application any future planning permission should include conditions which require the submission, approval, implementation and maintenance of a detailed hard and soft landscape scheme.

B&NES Drainage & Flooding: No objection

B&NES Ecologist: No objection subject to conditions (see Ecology/HRA section below for detailed assessment)

Compton Martin Parish Council: OBJECTION

- o The planning application has not been fully thought out;
- o The applicant has not fully consulted on the proposed routing over the SSSI;
- o Road traffic issues and the parking provision issues have not been considered;
- o The area does not have the infrastructure to support visitors from Bristol and Bath in the numbers predicted;
- o Need to demonstrate that it would not impose any detrimental impacts on the special nature of the designated Special Protection Area and Special Area of Conservation and undergo a full HRA screening and appropriate assessments (quoted from Chew Valley Neighbourhood Plan);

Additional Comments

- o Bristol Water park their vans and trucks regularly outside the tower on the Chew Valley Dam Lake. With the reduction in the overall road width to 5.5M, whilst still supporting two-way traffic, we question whether regular parking of vans on the lakeside highway, will cause an obstruction and lead to unsafe manoeuvring of vehicles?
- o We would query the crossing proposals at the Chew Stoke end of the dam, where the new shared footway finishes and the footpath continues on the other side of the road?
- o The proposal to maintain a 30-mile speed limit along this stretch of road is welcomed. Will there be a condition on the consent which requires post implementation monitoring of the highway and the possibility of further traffic calming measures if required?
- o In relation to the CVLRT running along the Sailing Club Driveway, we welcome the new hedge to be planted to minimise visual disturbance to lake birds, but ask whether due consideration has been taken of the impact on the SSSI from a broader ecological perspective?

- o The Parish Council remain concerned that the proposed level of parking for the scheme will not be adequate for the increase in users.

Stowey Sutton Parish Council: Unable to support in its current form

- o Stowey Sutton Parish Council have been long-term supporters of the Chew Valley Recreational Trail;
- o No objection to the proposal for the North West Section, as shown in document entitled 'Chew Valley Lake Recreational Trail North West Section';
- o The parish council remain unable to support the application for areas other than the North West Section in its current form
- o There is a climate of confusion as which documents remain relevant;
- o The route through East Woodlands at Sutton Wick, this is an area of Special Protection & remains one of the most untouched habitats surrounding the lake, which will be forever damaged by the removal of trees and creation of a 3m wide path, leading to the loss of a significant wildlife habitat.
- o The ecology reports for this location are incredibly superficial;
- o The proposal ignores the issue of the route trail users take once entering Stitchingshord Lane from the southern end, presumably hoping inertia will take people to the Twycross section via Ham Lane, without the need to consult on increasing usage of this area;
- o No approval should be given for the East Woods Section until highway safety issues are addressed for users exiting this section within Stowey Sutton;
- o Supported routing to direct users via footpaths CL20/29 & CL20/30, as shown in earlier versions of the CV recreational trail could resolve this subject to detail;
- o Both Stitchingshord Lane & Ham Lane are single track lanes, with no pedestrian facilities, Ham Lane is a very busy "cut through" route for traffic travelling to Bristol, & although adequate for the current usage these lanes are not suitable for increased walking & cycling volumes;
- o The proposal is to upgrade footpaths in several other areas; the same approach should be taken with Stowey Sutton (following consultation);
- o The application ,makes reference to an anticipated 30,000 users annually for the trail, however no provision has been made to provide parking facilities for these users, the verges surrounding the two existing picnic areas, as well as verges around the lakeside viewing laybys, are frequently used for parking by visitors, unable to find capacity within the existing car parks, this can only be exacerbated by the increased demand that the Chew Valley Recreational Trail will create;
- o No provision for toilet facilities, refreshments or facilities for dealing with waste;
- o There has been no assessment of the highway impacts of 30,000 users;
- o The proposal will have a significant impact on the habitat of bats, otters, newts and other species; there has been not been an appropriate level of investigation or mitigation;
- o A decision to approve the application in its current form will leave it open to judicial review

West Harptree Parish Council: Concerns

- o Lack of effective consultation still stand;

- o Objection to the route at Walley Lane stands since the safety issues have not been addressed - concerns shared by Chew Magna PC and B&NES Highways;
- o Sustrans is no longer applying for consent for the South West and East sections of the route, therefore our objection to the route at Lower Gurney Farm appears to be no longer applicable

Royal Society for the Protection of Birds (RSPB): OBJECTION

- o Concerns regarding the cumulative disturbance impacts currently affecting the SPA, and in particular the additional disturbance impacts that this may have on the refuge area in southern half of the site;
- o There is regular, often unmanaged, access to sensitive areas of shoreline and this is likely to be having a detrimental effect on non-breeding water birds;
- o It is critical that the proposed leisure route does not increase further disturbance risk to SPA species and the SPA assemblage in the southern and western parts of the site;
- o Very concerned that a new leisure route will significantly increase human traffic and therefore disturbance in these areas;
- o There is insufficient detail for the RSPB to be assured that the proposed mitigation will be effective in preventing a significant net increase in disturbance at the southern end of the site;
- o A thorough review of existing access management for the whole site is required

Chew Magna Parish Council: Support

- o The Northern area is within Chew Magna Parish, and our safety concerns regarding the proposition in the original application of the walkway traversing Walley Road at both ends of the dam, have now been resolved.
- o In order to sustain our support, however, we would need the speed limit to be reduced from 50mph to 30mph along the indicated stretch of Walley Road. This, we feel, would allow the width of highway over the dam to be reduced to allow a generous and safe combined walkway across the lakeside of the dam; negating the need for pedestrian crossing, as proposed in this application.
- o Regarding the proposed highway signs to warn and identify vehicle speed restrictions, we note that, when emerging from the 30mph restriction travelling East on Walley Road, there is no sign identifying the speed restriction beyond the 30mph limit.
- o Overall, Chew Magna Parish Council is satisfied that this revised application demonstrates a careful and informed consideration of the impact on parts of this SSSI that would be an inevitable result of this project, and that plans to mitigate possible negative effects have been put in place.
- o Overall, Chew Magna Parish Council is satisfied that this revised application demonstrates a careful and informed consideration of the impact on parts of this SSSI that would be an inevitable result of this project, and that plans to mitigate possible negative effects have been put in place.
- o Although not in our parish, we also support the extension of the walkway along the route of the 'Fisherman's Path' on the West side of the Lake, connecting Woodford Lodge and the proposed walkway across the dam.
- o This application is commensurate with the Chew Valley Neighbourhood Plan (Aspiration A2), and although this revised application does not fulfil the desire for a

'complete footpath ...around the Chew Valley Lake', Phase 1 does satisfy the criteria of landowner consent and environmental concerns.

Chew Stoke Parish Council: Support

- o The path will bring benefits in terms leisure amenity and the promotion of fitness and well-being for parishioners;
- o It will enable people to cycle in a safe, traffic-free environment in the vicinity of the village;
- o The path will bring benefits to tourism and local businesses;
- o It is noted that that Bristol Water will undertake to monitor car parking demand and will come forward with proposals to manage and provide for demand as required.

THIRD PARTY REPRESENTATIONS

64 letters/emails of support, 37 objections and 6 comments (which are considered neutral) have been received from members of the public, these are summarised as follows:

Support (summary)

- o Creation of a safe, traffic free route around the lake;
- o Leisure activity without noise or pollution;
- o Positive impact on health;
- o Existing routes are very dangerous so this proposal will be of benefit to highway safety;
- o Economic benefits;
- o The proposal is long-overdue;
- o The lake is underused at present and this will go some way towards addressing that;
- o A great improvement to the NCN3 cycle route;
- o This will also improve cycling routes between the villages in the Chew Valley

Objections (summary)

- o The plans are poorly prepared and badly thought-out;
- o Lack of car parking for users;
- o The Salt & Malt car park is already at capacity at busy times;
- o Traffic congestion;
- o Concern regarding the shared sections of route (near sailing club) due to narrowness;
- o Loss of footway on north side of dam will be a highway danger
- o Ecological harm/adverse impact on SSSI and SPA;
- o A Habitats Regulation Assessment (HRA) is required;
- o Particular ecological concern where the route passes through woodland;
- o Existing undisturbed areas will be disturbed;
- o Erosions of natural habitats;
- o Conflict with anglers and sailing activity;
- o Visual disturbance and landscape harm;
- o Future management and security are not addressed;
- o Proposal is silent on how the proposal will be funded;

- o Surprised that there is no Environmental Impact Assessment;
- o There is likely to be issues with dogs and dog mess;
- o Cyclists may ride too quickly;
- o There is no management plan, maintenance plan or flood maintenance plan;
- o An LVIA is needed;
- o A tree survey should be prepared;
- o Concerns regarding the loss of trees;
- o The specified fencing is not acceptable;
- o The impact on the farm will be immense, large areas of the farm will be useless;
- o When mixing pleasure activities with nature conservation, nature always comes off the worst;
- o Loss of privacy (within an adjacent residential property);
- o Reduction in property value;

OTHER REPRESENTATIONS (i.e those from bodies other than consultees and members of the public)

Chew Valley Sailing Club: Comment

- o The club is in favour in principle of the creation of the new leisure trail;
- o A highway safety concern exists regarding the section of shared driveway;
- o The driveway is single track with the exception of a partial passing lane midway down the hill, has a sharp bend at the lower end with limited visibility;
- o Use of the sailing club drive will be busy when the use of the cycle path is also likely to be busy;
- o A refuge or alternative route and improved visibility is necessary;
- o A Walking, Cycling & Horse-Riding Assessment and Review be undertaken
- o Recognise the need for an intermediate gate at the junction of trail and driveway at location 13 to maintain the security of the sailing club and the lake bank and are conscious of the additional management and financial impact that this will have on the club at a time when we are reviewing access for our disabled sailors.

Further comments following revisions

- o The revised route reduces above safety concerns;
- o It is noted that a section of hedge is to be removed to improve the sightline at the road crossing. Provided that there is clear signage and speed restriction measures on the approaches to the crossing point, both on the road and on the trail, this can be managed safely;
- o Provided the club is supported by the applicants to install gates with electronic access at location 13 and at the main road (discussions with Bristol Water have taken place over recent years) we support the application.

Chew Valley Ringing Station: Objection

- o The proposals would have a significant impact upon the scientific research activities of the bird ringing station
- o The proposal is in contradiction to the concept of the conservation status of the lake (SSSI and SPA);

- o The proposed route in the SE section will bring disturbance to a narrow section of the reed bed lake fringe. It will also pass through two breeding territories of Cetti's Warbler (Schedule 1 protected species). The EIA fails to recognise this so the validity of the EIA must be brought into question.
- o No acceptable environmental mitigation has been proposed.
- o The proposed joint road access/egress with CVRS would require more safety consideration.
- o The SW section with the proposed route around the end of the oakwood is unacceptable: it would impinge upon the required seclusion for the ringing station and adversely affect breeding birds which are the subject of ongoing monitoring and research.

Bristol Reservoir Fly Fishers Association: Objection

- o The proposed new pathway would both impact on the fly fishing amenities along the route and would potentially create hazards to the public users;
- o The easy public access and the presence of popular catering sites at either end would significantly increase the footfall and thus the potential hazard and disturbance;
- o Bank fishing for trout requires a clear area behind the fisherman (of up to 25 yards) for the back casting involved and to protect passers-by from the flies/hooks attached to the end of the fly lines;
- o The passing public will be tempted to the water side, thus providing disturbance to the anglers and disrupting their chosen fishing areas;
- o Other lakes with such paths are bigger with more space;
- o The increased speeds of passing bikes would give little or no warning to anglers in order to stop their casting and or to protect tackle;
- o Concerns regarding responsibility for maintenance;

POLICIES/LEGISLATION

Policies/Legislation:

The Council's Development Plan now comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan (2007) Policy GDS1 (K2;NR2;V3 &V8) only
- o Neighbourhood Plans (where applicable)

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

Policy DW1: District Wide Spatial Strategy
 Policy CP6: Environmental Quality
 Policy CP7: Green Infrastructure
 Policy CP8: Green Belt
 Policy CP13: Infrastructure Provision

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

Policy D6: Amenity
Policy NE2: Conserving and enhancing the landscape and landscape character
Policy NE4: Ecosystem services
Policy NE5: Ecological network
Policy NE6: Trees and woodland conservation
Policy GB1: Visual amenities of the Green Belt
Policy GB2: Development in Green Belt Villages
Policy PCS1: Pollution and nuisance
Policy PCS3: Air quality
Policy LCR6: New and replacement sport and recreational facilities
Policy ST1: Promoting sustainable transport
Policy ST2: Sustainable transport routes
Policy ST2A: Recreational routes
Policy ST3: Transport infrastructure
Policy D8: Lighting
Policy HE1: Historic environment
Policy NE2A: Landscape setting of settlements
Policy NE3: Sites species and habitats
Policy PCS2: Noise and vibration
Policy ST7: Transport requirements for managing development

Chew Valley Neighbourhood Plan

OFFICER ASSESSMENT

It is considered that the main issues in respect of this application are as follows:

1. Principle of Development (including Green Belt issues);
2. Ecology and Habitat Regulations Assessment matters;
3. Highway Safety Issues;
4. Landscape and Visual Impact;
5. Residential Amenity;
6. Other matters

1. The Principle of Development including Green Belt Issues

There are no explicit references to a Chew Valley Lake orbital cycle/pedestrian route in the Council's adopted Core Strategy or Placemaking Plan but reference is made to it within the Chew Valley Neighbourhood Plan (CVNP). This plan applies to all of the parishes encircling the lake with the exception of Stowey Sutton which has its own Neighbourhood Plan. The CVNP forms part of the statutory development plan for Bath & North East Somerset Council and as such carries full weight.

Aspiration A2 of the CVNP is that a footpath/cycle way be provided around the lake perimeter. It is stated that this has wide support from parishioners and that it is an issue that has been raised in all consultations and surveys. The CVNP qualifies its support in stating that such a route would require the consent of land owners and other stakeholders

and that any such project would need to demonstrate that there would not be adverse impacts on the Special Protection Area (SPA) and Special Area of Conservation (SAC); there is nonetheless clearly support in principle for such a proposal.

Policy SSRT05 (Cycle and Walk for Recreation) of the Stowey Sutton Neighbourhood Plan seeks to optimize the leisure opportunities which are already available at the lake by the provision of a safe cycle and footpath route; the purpose being to improve access to the lake from that Parish rather than supporting an orbital footpath/cycle way. The provision of a footpath/cycle way around the lake is referenced in the plan as a community aspiration but it is not explicitly stated that the provision of such a trail is an aspiration or objective of the plan itself. Be that as it may the Stowey Sutton Neighbourhood Plan has no policies resisting the principle of a footway/cycle path around the lake.

In conclusion, whilst there are no explicit policies dealing with the matter in Council's adopted Core Strategy and Placemaking Plan, the Chew Valley Neighbourhood Plan (which forms part of the statutory development plan here) firmly supports the provision of a new cycle/footway encircling the lake (subject to certain provisos which are dealt with below), accordingly the principle of this development is supported.

Green Belt Matters

The application site, as stated, is within the Bristol & Bath Green Belt. Paragraph 143 of the NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 of the NPPF states that engineering operations (which the formation of a cycle path is considered to be) do not constitute inappropriate development in the Green Belt, provided that such operations preserve its openness and do not conflict with the purposes of including land within it. It is considered that the physical works involved in constructing a cycle path (and its subsequent use) will not preserve the openness of the Green Belt; the harm to openness will be limited but there will be harm nonetheless. It is concluded therefore that the development constitutes inappropriate development in the Green Belt.

As stated above, NPPF Paragraph 143 confirms that inappropriate development in the Green Belt should only be approved if 'very special circumstances' exist. NPPF Paragraph 144 states that, "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations". There is significant public benefit in creating a recreational trail around Chew Valley Lake of which this proposal forms part; these benefits include the provision of leisure facilities which bring health and recreational benefits. Furthermore and as stated above, the provision of such a trail is supported by Development Plan policy.

In accordance with Paragraph 144 substantial weight must be given to the harm to the Green Belt but so too must substantial weight be given to the adopted Development Plan; the public benefits of the scheme must also be afforded significant weight. Balancing these factors together it is considered that the benefits of the scheme (including the in-principle support given by the CVNP) outweigh the harm to the Green Belt that has been

identified and therefore very special circumstances do exist in this case; the application is therefore considered acceptable in Green Belt terms.

2. Ecological Matters including Habitat Regulation Assessment (HRA)

Chew Valley Lake and its margins, as stated above, is a European designated Special Protection Area (SPA), a nationally designated Site of Special Scientific Interest (SSSI) and a locally designated Site of Nature Conservation Interest (SNCI).

Special Protection Areas are sites which have been identified for strict protection (in accordance with Article 4 of the EC Birds Directive) due to the known presence of rare and vulnerable birds and for regularly occurring migratory species. Chew Valley Lake was designated due to its importance to overwintering birds, in particular the 'Northern Shoveler'; it is the only SPA in Bath & North East Somerset.

The Council is duty-bound by the Conservation of Habitats and Species Regulations 2017 (the 'Habitat Regulations') to undertake an assessment of the likely effect of a project (in this case a planning application proposal) on an SPA and its qualifying features as part of the decision-making process. The responsibility for undertaking this assessment rests with the Council in its capacity as 'competent authority' not with the developer/applicant. The assessment process has various stages which are collectively referred to as a Habitat Regulations Assessment (HRA). The two main stages to this process are:

1. Screening: An initial screening exercise to ascertain whether a significant effect is likely;
2. Appropriate Assessment (AA): If a likely significant effect cannot be ruled out a full AA must be undertaken. This will investigate whether the scheme will have an adverse impact on the integrity of the site. If an adverse impact cannot be ruled out 'alternative solutions' must be investigated. If no alternative solutions can be found, the development can only proceed if there are imperative reasons of over-riding public interest (the so-called IROPI test).

The Council in accordance with its statutory obligations has undertaken an HRA; this has been undertaken by one of the Council's ecologists. In terms of screening, the HRA screening process has concluded that whilst no wetland or water feature of importance to Shoveler Duck, or other species of national importance, will be directly affected by the proposal, there is a risk of increased disturbance to these birds from the increased recreational activity generated by the proposal. In the absence of mitigation it is considered likely that the development proposed could adversely affect this European Site. A full Appropriate Assessment of the impact of the development on this SPA has therefore been undertaken.

The AA identifies that both the extent and distribution of the Shoveler habitat will be maintained; it is identified that no shoveler habitat will be directly affected by the proposal and that Shoveler duck populations will be maintained. The proposed path alignment has been deliberately chosen to avoid the critically sensitive and currently undisturbed areas of the lake to the south to safeguard Shovelers. Furthermore the proposed development is restricted to those parts of the lake that are already subject to public access and recreational disturbance. Fencing of the lakeside side of the new trail will to prevent trespass on the lake shore (this is an improvement upon existing conditions) and new hedgerow screening as well as temporary screens will minimise views from the lake of

people using the path. In addition signage will be used to raise awareness about the sensitivity of the lake and trail user responsibility.

The AA also identifies that the lake has historically been subject to increased level of disturbance but despite this water bird numbers have continued to show an increase. There have been changes in food availability and the birds have shown increased tolerance to disturbance; this tolerance cannot be expected to continue however, and any further increase in disturbance levels should be minimized. Most of the important concentrations of wildfowl in the northern part of the lake are in areas that are very distant from the proposed trail. The north-western corner of the lake is of some importance for species such as goldeneye and goosander, but the trail here is some distance from the lake and will not cause any disturbance. The only area where the trail is close to the lake is the section immediately to the north of the sailing club. This area is currently used by very few birds. The impact on water birds associated with this section of the trail is very slight. It is likely that there would be some displacement of small numbers of birds from those parts of the lake adjacent to the section of path immediately to the north of the sailing club. It is likely that these birds will move to nearby areas in the north-eastern and north-western corners of the lake.

In conclusion, and notwithstanding the continued objections from the RSPB, the proposed development will have no adverse impacts on the Chew Valley Lake SPA and its integrity. The mitigation described above is necessary and will be secured by condition. Further conditions are recommended to secure an Ecological Management and Monitoring Plan (EMMP) as well as Visitor Management and Communications Plan. Accordingly the application accords with Policy CP6 of the Core Strategy in so far as it relates to ecological matters as well as Policy NE3 and NE4 of the Placemaking Plan and LCR7 in so far as it relates to nature conservation.

3. Highway Matters

The planning application, as set out above, is now solely concerned with the section of the route between Woodford Lodge/Sailing Club and the public car park at the Salt & Malt (formerly the tea rooms).

The route northwards from Woodford Lodge car park is to follow an existing footpath on the edge of woodland, to the rear of the sailing club; this will be widened to accommodate shared use. Two parking bays will be removed from the car park to facilitate the connection.

The route will then cross Woodford Lane and run northward, parallel to the sailing club driveway, until it reaches the main road (Walley Lane). A earthwork and bridge structure is proposed at the crossing point of Woodford Lane (with the closure to vehicles of this section).

The proposed route will cross the reservoir dam (previously it was proposed to cross the road and route east through the grounds of the pumping station). Significant highway works are proposed on top of the dam structure to facilitate the crossing. The footway to the south of the carriageway will be widened to 4.3 metres with a 1 metre buffer between the footway and the carriageway. This will require the carriageway to be narrowed to 5.5 metres, the central white line markings removed and the footway to the north of the

carriageway removed completely. It is further proposed to reduce the speed limit to 30mph in this area.

Following the crossing of the dam, the route will enter the grounds of the Salt & Malt via a gateway. The route will then roughly follow the curve of the highway but within Bristol Water land; various crossing points of the vehicular car park entrances are proposed (priority to pedestrians and cycles) before the route connects to the existing footpath to the south of the car park (already consented).

The highway team raised a number of fundamental and significant concerns in respect of the route as originally proposed; ultimately these concerns proved insurmountable. These concerns focussed on the two crossing points on Walley Lane necessitated by the route passing through the grounds of the pumping station rather than crossing the dam. The application has since been fundamentally revised and the highway team's concerns resolved.

As summarised above the route now crosses the dam itself (parallel to the carriageway) negating the need for any road crossings here. Alongside this revision a reduction in the speed limit from 60mph to 30mph is also now proposed. The highway team are supportive of the revised route across the dam as well as the reduction in speed limit. The highway team has confirmed that whilst the arrangements are broadly acceptable the design of the scheme within the highway will need to be part of a further design check process (pursuant to the Highway Act). As stated above, the works on the dam include the removal of the footway on the northern side of the carriageway here; as such pedestrian crossing points will be necessary but no details have been provided. The highway team is content for this matter to be dealt with by condition.

Elsewhere the arrangements within the Salt & Malt car park meet with the highway team's approved and the crossing points (of the car park and accesses) are considered appropriate. The highway team has confirmed that in the vicinity of the sailing club (where the route crosses Woodford Lane) the lane (which is public highway) will need to be stopped up. This is a matter for separate legislation but a suitably worded planning condition(s) can ensure that this is undertaken prior to the use of the path commencing. There is a wider need for detailed design drawings as whilst the existing plans are broadly acceptable, they are not sufficiently detailed and there are some features that have not been included; this can be secured by planning condition.

Subject to conditions clarifying matters of detail, the proposal is acceptable in highway safety and complies with Policy TM1 of the Core Strategy.

4. Landscape and Visual Impact

The site is located within the Mendip Hills Area of Outstanding Natural Beauty (AONB); an area designated nationally for its scenic quality. A Landscape and Visual Assessment has been submitted with the application; the Chew Valley is identified as an area of high sensitivity both in a landscape and visual sense.

The assessment correctly identifies that the proposals to create a complete circular route around the lake is in keeping with the existing local land uses (predominantly leisure and amenity uses). The north-west section (the only section now forming part of this planning

application) largely passes through land which is primarily already used for amenity purposes including angling, sailing, birdwatching, walking, informal recreation and picnic areas associated with parking areas and cafés /restaurants at Woodford Lodge and Salt & Malt. These existing uses form the main context of the proposed route and significantly reduce the landscape and visual impact of this section of the cycle/footpath. The assessment identifies that the proposals will have a minimal effect on the local topography as the route generally integrates with the existing levels and landform. It is recognised that short sections of hedges and trees will need to be removed at crossing points and in locations where the route passes through woodland but this will be mitigated by compensatory planting.

There are a number of long-distance views of the lake possible from various publically accessible vantage points including Dundry Hill and other surrounding hills. The assessment concludes that from all of these views it will be very difficult to identify the proposed route with the naked eye. Furthermore the nature of the surfacing and agricultural fencing would not be discernible in these views; these conclusions are not disputed, there will be no visual effect. The proposal is found to have a negligible visual effect in respect of short/medium distance view - from around the lake for example. The assessment also highlights that there are likely to be few localised views towards the site from residential properties due to the local topography and vegetation; again this conclusion is not disputed.

Policy CP6 of the Core Strategy requires, amongst other things, that the distinctive character and quality of the district's landscapes be conserved or enhanced. Policy NE2 of the Placemaking Plan requires development to, amongst other things, conserve or enhance local landscape character, landscape features and local distinctiveness as well as conserve or enhances important views. Similarly Policy HD1 of the CVNP states to be supported development proposals must "demonstrate they conserve and do not harm the characteristic rural features of the area". More specifically Policy HD3 states that proposals must demonstrate regard for sensitivity to relative visual prominence (as shown in illustration HDE3-V2) and not significantly harm the important views including views identified in the maps and photographs in illustrations HDE3-V1a to HDE3-V1h.

For the reasons set out above, it is considered that the proposal is in accordance with the development plan's landscape policies. The distinctive character and quality of the Chew Valley will be conserved. Equally, local distinctiveness will be conserved and there will be no harm to landscape/rural features. The proposed route will pass through some of the important views identified by Policy HD3 of the Chew Valley Neighbourhood Plan but will be very difficult to identify from longer range views and adequately mitigated when viewed from medium-short range vantage points. Ultimately there will be no significant harm to the important views set out in Policy HD3 of the CVNP.

Paragraph 172 of the NPPF states that great weight should be given to the conservation and enhancement of landscape and scenic beauty in Areas of Outstanding Natural Beauty. It goes on to state that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. It further states that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The proposal is not considered to a

major development in Paragraph 172 terms. While the trail is of some length, the overall scale of the proposal is limited due to its nature as a linear pathway. The proposal is not considered to be major development in terms of Paragraph 172 and as such there is no requirement for it to be refused (or consider whether exceptional circumstances/public interest applies).

5. Residential Amenity.

The proposed trail will pass in close proximity to the rear of three residential properties on Walleycourt Road (Nos 2-3 Walleycourt Cottages and Lakeside House); there are no other residential properties in close proximity to the section of the route currently proposed. The route will run closeby to the south of the rear gardens of nos 2-3 Walleycourt Cottages and run immediately alongside the eastern boundary of no.3 Walleycourt Cottages.

The introduction of a cycle trail immediately beyond the rear/side boundaries of the dwellings in question will unquestionably introduce noise and disturbance in an area where such noise and disturbance does not currently exist, however it does not necessarily follow that that noise and disturbance is unacceptable in planning terms.

Policy D6 of the Placemaking Plan states that, amongst other things, development must not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance. The passing cyclists, as stated, will generate a degree of noise but this noise will not be significant in terms of its magnitude nor nature and it will not be at unsociable times of the day (i.e. it will not be overnight and it is unlikely to be early in the morning). It is noted that the majority of the cycling activity is likely to be at the weekend but this follows established patterns of recreational use at the lake. It is concluded that whilst there will be some erosion of the existing levels of tranquility and amenity currently enjoyed by the occupants of the properties in question, this will not amount to significant harm. The application therefore complies with Policy D6 of the Placemaking Plan and is acceptable in respect of residential amenity.

6. Other matters

o Initial concerns were raised by the Council's Arboriculturalist in respect of the possible impact of the proposed trail on important trees. Following a comprehensive site inspection and the revisions to the scheme, the Council's Arboricultural Officer is content that the impact of the development on arboricultural interests will be acceptable subject to comprehensive conditions securing a detailed Arboricultural Method Statement and Tree Protection Plan. The application accords with Policy NE6 of the Placemaking Plan.

o The initial submission did not satisfactorily or adequately assess the impact of the proposed development on heritage assets; this attracted an objection from the Council's Conservation Team. The applicant has subsequently provided a Heritage Assessment (Wessex Archaeology) as well as an Initial Heritage Appraisal. It is concluded that whilst there are a number of designated and undesignated heritage assets in the local area, the setting of these features will not be significantly impacted upon by the development and accordingly the application complies with Policy HE1 of the Placemaking Plan

Summary and Conclusion

The formation of an orbital cycle route around Chew Valley Lake is supported in principle by the Chew Valley Neighbourhood Plan. The cycle path constitutes inappropriate development in the Green Belt as it is an engineering operation that will not preserve openness. The impact on the openness of the Green Belt however will be limited due to the scale of the proposal and this, alongside the development plan's support for the principle of the proposal, is considered to constitute very special circumstances justifying this development in Green Belt terms. The ecological impacts of the proposed development have been scrutinised and a Habitat's Regulation Assessment (HRA) completed. It is concluded that the proposed development will have no adverse impacts on the Chew Valley Lake SPA and its integrity. Conditions will secure requisite ecological mitigation and the agreement and subsequent implementation of an Ecological Management and Monitoring Plan and Visitor Management & Communications Plan will be crucial. The impact of the proposal on landscape character and the scenic quality of the Mendip Hills Area of Outstanding Natural Beauty will be limited. The scale of the works themselves will be limited in a landscape sense and will be barely perceivable from long-range viewpoints - especially in the context of existing leisure uses and infrastructure.

Initial highway concerns raised by the Council's Highway Team have been overcome through the submission of significant amendments to the scheme including revisions to the route across the dam. The highway impact of the development will be acceptable subject to the submission and approval of the technical details of the proposed works, which can be secured by condition. There will be an impact on the level of amenity currently experienced by local residents but it is not considered that this increase in impact represents an unacceptable change. The living conditions of existing residents will continue to be acceptable.

Ultimately the proposed development complies with the provisions of the development plan. There are no overriding material considerations indicating that a decision contrary to the development plan (i.e. refusal) ought to be taken and accordingly it is recommended that permission be granted - on a conditional basis.

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 Construction Management Plan (Pre-commencement)

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

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

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

3 Detailed Highway Drawings (Pre-commencement)

Prior to the commencement of development comprehensive details of the hereby approved pedestrian/cycle path shall be submitted to and approved in writing by the local planning authority. The details to be submitted and approved shall include (but are not limited to):

- o Detailed drawings of all sections of the route;
- o The means by which Woodford Lane will be stopped up;
- o All works within the highway;
- o All crossing points;
- o The reduction in speed limit on Walley Lane;
- o The phasing/timing for the implementation/completion for all of the above.

The development shall proceed in accordance with the details so approved.

Reason: For the avoidance of doubt as to the extent of the permission granted and in the interests of highway safety.

4 Ecological Management and Monitoring Plan (Pre-use commencing)

Prior to the hereby approved development being first brought into use an Ecological Management and Monitoring Plan (EMMP) shall be submitted to and approved in writing by the local planning authority. The development shall subsequently be operated in accordance with the Ecological Management and Monitoring Plan so approved.

Reason: To ensure that ecological interests are managed, monitored and ultimately protected.

5 Visitor Management and Communications Plan (Pre-use commencing)

Prior to the hereby approved development being first brought into use an Visitor Management and Communications Plan shall be submitted to and approved in writing by the local planning authority. The development shall subsequently be operated in accordance with the Visitor Management and Communications Plan so approved.

Reason: To ensure that ecological interests are managed, monitored and ultimately protected.

6 Arboricultural Method Statement with Tree Protection Plan (Pre-commencement)

No development shall take place 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 and details within the approved document implemented as appropriate. The final method statement

shall incorporate a provisional programme of works; tree works schedule; 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, surface water management and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking 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.

7 Arboricultural Method Statement with Tree Protection Plan (compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

PLANS LIST:

Approved Plans List

- o Chew Valley Lake Recreational Trail North West Section, Sustrans/Bristol Water (March 6 2019);
- o Wally Lane Traffic Speed Reduction Measures 1 of 2; Drawing No. 11164-ES-DR-25 Rev A
- o Wally Lane Traffic Speed Reduction Measures 2 of 2; Drawing No. 11164-ES-DR-26 Rev A
- o Standard DBM Path Cross Section: Drawing No. SD/01 Rev B
- o Standard DBM Path with Surface Dressing (chips) Cross Section: Drawing No. SD/08 Rev A
- o Post and Pig Net Fence: Drawing No. SD/31 Rev A
- o Basic Sleeper Bench: Drawing No. SD/60 Rev B
- o Sitting Area Layout: Drawing No. SD/61 Rev B
- o Woodford Lane Crossing Proposed: Drawing No. 11164-ES-DR-01

Condition Categories

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

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

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development.

The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

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

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

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

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

Condition Categories

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

with clear reasons stated & the Ward Cllr has requested this application be determined by the DMC as changes have taken place to try & address some of the issues the previous application was refused on. This application has been assessed against relevant planning policies including points raised by consultees, it adheres to some policies while the increase in size contravenes Greenbelt Policy as the report explains however I recommend the application be determined by the DMC to provide a consistent approach.'

Site Description:

The application refers to a detached dwelling located in Freshford. The proposal site is outside of the Housing Development Boundary and Conservation Area but within the Green Belt and AONB.

Proposal:

Planning permission is sought for the extension and alterations to Pond House. This is a revised application following a previously refusal.

Relevant Planning History:

1996 - Side and rear gazebo and belvedere - Permitted

1989 - Two storey side extension - Permitted

DC - 18/02591/FUL - RF - 25 October 2018 - Erection of two storey and single storey side extension and associated landscaping.

DC - 18/05603/CLPU - LAWFUL - 31 January 2019 - Erection of single storey rear extensions (Certificate of Lawfulness for a Proposed Development). The granting of this Certificate confirmed that planning permission from the Council is not required to erect a single storey extension along the rear of the existing house.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Freshford Parish Council: The applicant has now submitted an amended design taking those size issues into account. The basic concept of the proposal remains unchanged, based on an organic leaf design, but the plans show a reduced footprint and extensions of a smaller size. More detail is provided in terms of the volume addition, and now this is stated with calculations, to be about 32%. Since the Council supported the previous application, it is recommended that this revised proposal be similarly supported. Comments added should include that access to the site must be carefully controlled and managed in an extremely narrow road, and materials etc should follow the requirements of the Villages Design Statement. The Council's previous concerns about size have been addressed. At its meeting on 11 March 2019, the Council resolved to support this application.

Hinton Charterhouse Parish Council: Hinton Charterhouse Parish Council (HCPC) considered this planning application at its meeting on 19th March 2019 and voted unanimously to Support it. The Council thinks the design is excellent and looks forward to it being permitted and built.

Representations Received:

Councillor Neil Butters: This application has now been enthusiastically endorsed by both Hinton Charterhouse and Freshford Parish Councils. On this basis I assume it will go to DMC if you decide to oppose?

I would like to support the application myself, and if necessary the referral, for the following reasons -

The application has been revised and further reduced in size; moreover it has been shown how the dwelling could be extended using its permitted development rights and as an even larger addition. This fallback position wasn't on the table when it was generally agreed the design approach was very laudable. Aesthetically the application is significantly better than the constrained design resulting from the permitted development tolerance and therefore not only is it smaller but will be better visually subsumed. The design proposed is supported locally. It is eminently better than the fallback position, is smaller and by the correct application of a balanced green belt assessment the addition is proportionate especially by comparison to that previously considered.

Three comments of support have been received from third parties, the following is a summary of the points raised;

- Sits comfortably with the main house
- Environmentally friendly and sustainable
- Design is of architectural merit
- Pleasing design in rural setting

POLICIES/LEGISLATION

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

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

Core Strategy:

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

CP2: Sustainable Construction

CP6: Environmental Quality
CP8: Green Belt
DW1: District Wide Spatial Strategy

Placemaking Plan:

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

D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D.3: Urban Fabric
D.5: Building Design
D.6: Amenity
GB1: Visual Amenities of the Green Belt
GB3: Extensions and alterations to buildings in the Green Belt.
HE1: Historic Environment
NE2: Landscape Setting of Settlements
ST7: Transport requirements for managing development

The National Planning Policy Framework (NPPF) was published in July 2018 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Conservation Areas

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

SPD's

The Existing Dwellings in the Green Belt Supplementary Planning Document is also relevant in the determination of this application.

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development in the Green Belt
- Design
- Landscape
- Heritage
- Residential amenity
- Other matters

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The principle issue to consider is whether the proposal represents appropriate development within the Green Belt.

Policy

The National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt should be regarded as inappropriate development which, by definition, is harmful to the Green Belt and should not be supported except in very special circumstances. However, a number of exceptions to this overarching policy are set out in the NPPF. One of these exceptions is the extension of an existing building, providing it does not result in a disproportionate addition over and above the size of the original building.

This national policy advice is to be read together with the relevant development plan. Policy GB3 of the Placemaking Plan states that proposals to extend a building in the Green Belt will only be permitted provided they would not represent a disproportionate addition over and above the size of the original building. In relation to extensions or alterations to existing dwellings the Placemaking Plan states that the SPD 'Existing Dwellings in the Green Belt' (2008) should continue to guide decisions.

The SPD states that limited extensions to a dwelling house resulting in a volume increase of about a third of the original building may be acceptable. It then follows that extensions to dwellings which exceed this volume increase are more likely to be disproportionate with the original dwelling and therefore harmful.

The building to be extended

In the case of Pond House it must first be identified what is 'the building' to be extended.

The planning statement attempts to include all of the existing outbuildings in the interpretation of 'building' and as such within the volume calculations. The agent refers to the Tandridge District Council v Secretary of State (2015) which clarifies that building can refer to either singular or multiple structures on site. The High Court judgement states that " 'building' should not be read as excluding more than one building, providing that as a matter of planning judgement they can sensibly be considered together in comparison with what is proposed to replace them' showing that Tandridge case specifically addresses replacement dwellings in the Green Belt. However, this application is for the extension of a building in the Green Belt. In accordance with the wording in the NPPF each outbuilding could be extended in turn by a proportionate addition and therefore it is not considered that in this instance all the outbuildings should be included as part of the volume calculations of the original building to be extended if they could each be extended again at a later date, additionally none are proposed to be demolished.

As such it is considered that the detached out buildings on site do not form part of the building to be extended. In this regard 'the building' being extended is the existing house which consists of A, B (prior to extension), C, and D as shown within the planning statement of the submission.

Volume Assessment

It is noted in the submission that the applicant considers the original volume to be 1455.7m³ - under the previous application the applicant considered the original volume to

be 1503.64m³; it is unclear what the change is - however this includes the volume of all of the detached outbuildings which should be disregarded as outlined above. As such the volume of the original building that the addition must be proportionate to would be 775m³. This is consistent with what was advised in the previous refusal.

Pond House was previously extended in 1989 through a two storey extension to the north east of the property. Under the previous refusal volume calculations were provided showing this extension to be 319m³. Under this application the previous extension is shown to be 214m³, it appears this change is because a lean-to was removed. The volume of 214m³ is taken as correct. This equates to a 31% increase in volume of the original dwelling.

The proposed addition under this application results in a 419m³ volume increase. The current proposal along with the previous extensions results in a cumulative volume increase of 90%. This is significantly greater than the guidance within the Council's SPD that states that extensions of about a third of the original volume are more likely to be acceptable. The extension is therefore regarded as disproportionate and, by definition inappropriate development within the Green Belt.

Impact on openness

Given that the proposal is found to be disproportionate an assessment of its impact on openness is required.

The Government attaches great importance to Green Belts, with the fundamental aim to keep land permanently open, and openness forming a key characteristic of the Green Belt, as outlined in para 133 of the NPPF.

An assessment of impact on openness is based on visual and spatial impact. The proposal would be visible from within the wider grounds of Pond House, which are extensive, although it is unlikely to be widely visible from public views. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as the result of the location of a new building there. The proposal is for a large scale extension that would clearly reduce the physical openness of the site; as such the proposal fails to maintain openness, albeit by a small amount in the scheme of the Green Belt as a whole, and represents an encroachment into the countryside.

Very Special Circumstances

As discussed above, the proposal is inappropriate development in the Green Belt and in accordance with paragraph 143 of the NPPF should only be approved if very special circumstances exist. Paragraph 144 goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Harm to the openness of the Green Belt

Paragraph 144 of the NPPF indicates that substantial weight should be given to any harm to the Green Belt

No very special circumstances have been advanced by the applicant. However, there are a number of matters which represent material considerations in favour of the development. It is necessary to consider whether these matters amount to very special circumstances to justify the development.

The fact that a small proportion of the extension will be below ground level can be acknowledged. The construction of the proposed development would generate a number of construction jobs. It is noted that unlike the previous application none of the detached outbuildings are any longer proposed to be demolished and therefore this no longer forms part of the balance.

The above matters, although weighing in favour of the development, do not, individually or cumulatively, amount to very special circumstances which would clearly outweigh the multiple and significant harms identified. The proposal is therefore contrary to Council policy CP8 and Green Belt policy within the NPPF.

Certificate of Lawfulness

The planning statement refers to a recently approved Certificate of Lawfulness as proposed, stating that the proposal allowed under permitted development exceeds the scale of the scheme proposed under this application. The planning statement, whilst not entirely clear, appears to show that the extension approved under the certificate of lawfulness equate to 479m³.

It appears the agent is implying that a larger scheme could be achieved under permitted development as a 'fall back' position. However the approved certificate of lawfulness could, if not all at least in the most part, still be implemented alongside the proposed scheme. Also, given that the location of the current proposal is to the side of the existing building and the extension that could be constructed is to the rear, and in a less prominent location, this situation is not an 'either/or' situation and is not considered to be a fall-back position. It is unclear if the applicants do actually intend to build what is approved under the Certificate of Lawfulness, but as an application was approved this is assumed to be the case, and this would result in an even greater cumulative volume increase of 152%.

Green Belt Summary

Overall the proposed development represents inappropriate development in the Green Belt and as such it would be harmful to openness and the purposes of including land within the Green Belt. The proposal is therefore contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

DESIGN AND LANDSCAPE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local

context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

Freshford and Limpley Stoke Neighbourhood Plan states in its Planning and Development Policy that the design of new development must be mindful of and sensitive to the physical and environmental context of the site and its location. This includes the need for any development to be proportionate both to its site and in relation to its immediate neighbours. The design, contemporary or traditional, must be a positive addition to the rural environment reflecting the character of its setting and acknowledging the local built heritage. It must sit well in the landscape and not dominate it.

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB), and the Green Belt. These designations underscore the quality and importance of the existing landscape and visual character of the surrounding area.

The proposal is situated to the south west of the existing building. The main element is a new timber and glass extension, which in plan appears leaf like and houses the open plan living areas. This element is linked to the main house. The proposal is contemporary in design constructed from glass and cedar cladding and includes a sedum roof.

The contemporary nature of the proposal and the use of natural materials are considered to be acceptable however the scale of the proposal remains too dominate. The size of the extension continues to be regarded as dominating the appearance of the existing building to the effect that it detracts from the character of the existing dwelling and this part of the AONB.

The proposed development by virtue of its scale and massing would adversely affect the natural beauty of the landscape of the designated AONB contrary to policy NE2 of the Placemaking Plan for Bath and North East Somerset (2017), as well as policies D1, D2 and D5. It is also consider contrary to the Freshford and Limpley Stoke Neighbourhood Plan Planning and Development Policy and the NPPF.

HERITAGE:

Although outside of the Conservation Area the proposal site in on the boundary and therefore regard must be had to the setting of Freshford Conservation Area. In this case given the distance of the proposal from the conservation area, the limited views of the site available from the conservation area and the design it is not considered that there will be any impact on the setting.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, and position of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

RESIDENTIAL AMENITY:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The site is located over 100m from its nearest neighbours, furthermore there are limited views into the site expect for some very long reaching views further across the valley. Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

HIGHWAYS:

Although increasing the size of the property there are no alterations to access and there is ample parking within the site.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

CONCLUSION:

It is therefore considered that the proposal is contrary to the relevant planning policies as outlined above and the proposal is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development represents inappropriate development in the Green Belt and would be harmful to openness and the purposes of including land within the Green Belt. The proposal is therefore contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

2 The proposed development by virtue of its scale and massing would detract from the character of the existing building and adversely affect the natural beauty of the landscape of the designated AONB. The proposal is therefore contrary to policy NE2, D1, D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) as well as the Freshford and Limpley Stoke Neighbourhood Plan Planning, and the NPPF.

PLANS LIST:

This decision relates to the following plans:

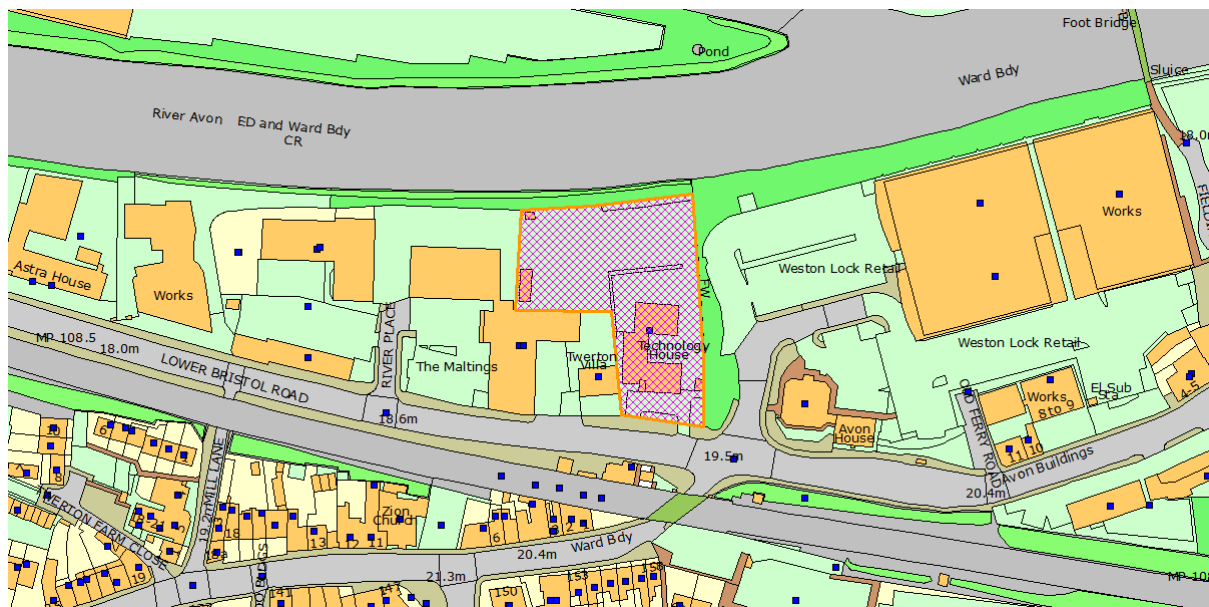
26 Feb 2019 Lpc4469 Location Plan

26 Feb 2019 1815 L2 Proposed Landscaping Plan

26 Feb 2019 1815 L4 Proposed Ground Floor Plan and Sections
26 Feb 2019 1815 L5 Proposed First Floor Plan Elevations and Section

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

Item No: 03
Application No: 19/00457/FUL
Site Location: Freedom House Lower Bristol Road Westmoreland Bath BA2 1EP



Ward: Twerton	Parish: N/A	LB Grade: II
Ward Members: Councillor Tim Ball	Councillor Sarah Moore	
Application Type: Full Application		
Proposal:	The addition of metal fencing/ railings fixed to the top of the existing rubble stone wall to western, northern and eastern boundaries of the Freedom House site perimeter.	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green	

Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Water Source Areas,

Applicant: Mr Andrew De Thierry

Expiry Date: 10th May 2019

Case Officer: Caroline Power

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

REPORT

Reason for reporting application to committee:

The application has been referred to committee as the Ward Councillor requested it be brought to Committee if the case officer is recommending refusal.

Freedom House is a grade II listed building, situated on the north side of Lower Bristol Road, on land that fronts onto the banks of the River Avon. It is a detached property that was originally built as a Victorian villa and is similar to Twerton Villa, the neighbouring listed building to the west of this site. Immediately to the east is a driveway leading to a modern retail park. However, the main building belonging to MacDonald's is also a listed building; Avon House grade II and of similar age and architectural style again fronting onto the main road. The site is within the Bath Conservation Area. The site also falls within the World Heritage Site.

A major development project to construct a new church called Freedom House has been implemented and is due to be completed immanently.

Property History

DC - 02/01160/FUL - PERMIT - 8 December 2006 - Demolition of Technology House, construction of 3 storey office to rear of Albert Villa, and alterations to roof of Albert Villa

DC - 02/02006/LBA - CON - 27 February 2003 - Demolition of Technology House, internal and external alterations to Albert Villa and construction of a three storey office to rear of Albert Villa

DC - 03/00031/LBA - CON - 14 February 2003 - Temporary demolition of 8 m section of boundary wall to rear of Technology House to facilitate Bath CSO project construction works.

DC - 08/00770/LBA - CON - 16 April 2008 - Demolition of Technology House, internal and external alterations to Albert Villa and construction of a three storey office to rear of Albert Villa

DC - 09/01745/LBA - CON - 27 July 2009 - Internal alterations to Albert Villa for the installation of 1no. stud wall in roof space.

DC - 11/01354/LBA - CON - 13 July 2011 - Renewal of consent for demolition of Technology House, internal and external alterations to Albert Villa and erection of three storey office to rear of Albert Villa.

DC - 11/01367/LBA - CON - 24 May 2011 - Internal and external alterations for the conversion of ground floor WC to an office and provision of clear glazing to window, installation of a first floor tea point and installation of 2no. security cameras.

DC - 11/04339/REN - PERMIT - 7 November 2012 - Renewal of application 02/01160/FUL (Demolition of Technology House, construction of 3 storey office to rear of Albert Villa, and alterations to roof of Albert Villa)

DC - 14/02710/CLPU - WD - 24 July 2014 - Construction of outdoor playground in existing courtyard with wrought iron fencing and gate.

DC - 14/03416/FUL - PERMIT - 21 October 2014 - Construction of a children's playground, to include a 50mm artificial grass crash mat, a wooden activity fort (not a permanent fixing) and a wrought iron fence to provide protection.

DC - 15/03027/FUL - PERMIT - 6 April 2016 - Erection of auditorium with associated facilities and parking.

DC - 16/04740/COND - DISCHG - 13 December 2016 - Discharge of conditions 2,4,6 and 7 of application 15/03027/FUL (Erection of church auditorium with associated facilities and parking).

DC - 17/01571/VAR - PERMIT - 6 June 2017 - Variation of condition 14 attached to application 15/03027/FUL (Erection of auditorium with associated facilities and parking).

DC - 18/03634/VAR - PERMIT - 8 October 2018 - Variation of condition 9 of application 17/01571/VAR granted on 06.06.2017

DC - 18/03635/COND - DISCHG - 18 October 2018 - Discharge of condition 10 of application 17/01571/VAR (Variation of condition 14 attached to application 15/03027/FUL (Erection of auditorium with associated facilities and parking))

DC - 18/05410/COND - DISCHG - 29 January 2019 - Discharge of condition 6 of application 17/01571/VAR (Variation of condition 14 attached to application 15/03027/FUL (Erection of auditorium with associated facilities and parking))

DC - 18/05480/NMA - APP - 4 January 2019 - Non-material amendment to application 15/03027/FUL (Erection of auditorium with associated facilities and parking).

DC - 19/00297/LBA - PCO - - Erection of a metal fence to the existing rubble stone boundary wall to western, northern and eastern boundaries.

DC - 19/00457/FUL - PCO - - The addition of metal fencing/ railings fixed to the top of the existing rubble stone wall to western, northern and eastern boundaries of the Freedom House site perimeter.

DC - 19/00746/COND - DISCHG - 15 April 2019 - Discharge of condition 4 of application 15/03027/FUL (Erection of auditorium with associated facilities and parking)

DC - 19/01261/COND - DISCHG - 24 April 2019 - Discharge of condition 2 of application 18/05480/NMA (Non-material amendment to application 15/03027/FUL (Erection of auditorium with associated facilities and parking).)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Environment Agency- No Objections -recommend an Informative that the applicants require a Flood Defence Consent.

Drainage and Flooding Team- No objections.

Highways DM- The highway authority has no objection to the provision of additional fencing (on existing walls) at this location.

36 letters of support for this proposal; The Trauma Recovery Centre, which is a charity that runs out of Freedom House during the week days, and as a therapy centre working with vulnerable children, young people and their families, therefore any additional safety measures are extremely helpful! Our work is to help these individuals recover following traumatic experiences through 1:1 therapy and parenting support work. There have been previous instances of windows being broken which can seriously disrupt the running of our service, and therefore a fence to help keep the premises secure would be hugely helpful for the community service we provide

The walls are fairly low and do not protect this vulnerable building with a lot of expensive glass windows from intruders/casual vandalism. The carpark to the east is well known for undesirable behaviour late at night. Furthermore, the whole complex houses a charity working with vulnerable and traumatised children during the week who need to be in a safe and protected space. Without a fence on top of the wall, this could not be guaranteed, laying the council open to accusations of a dereliction of their duty to safeguard children.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE STRATEGY POLICIES

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

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development.

CP5: Flood Risk Management.

CP6: Environmental quality

B4: World Heritage Site

RELEVANT PLACEMAKING PLAN

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

D1: General Urban Design Principles

D2: Local Character and Distinctiveness

D3: Urban Fabric

D5: Building Design

D6: Amenity

NE.2: Conserving and enhancing the landscape and landscape character

HE1: Historic environment

ST7: Transport requirements for managing development and Parking Standards

SC5: Sustainable Construction

National Planning Policy Framework (February 2019) 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

Technology House has been used as a church since 2000 and also rents the building to a charity The Trauma Recovery Centre. The listed building is used five days a week to provide therapy for approximately 100 children and parenting support for those same families every week. Both the church and charity engage with a variety of people, many of whom are young and vulnerable. The applicants contend that it is important that the site and the construction of a new church on this site called Freedom House need a secure immediate environment.

The proposal is for new metal railings to be fixed, between posts, on top or along side the wall along its eastern, northern and western boundary. The new railings would provide consistent security of at least 2m high. The railing design has been revised since the original submission and is now a simple contemporary detail without any embellishment, similar to those used on the adjacent site associated with Avon House (MacDonald's).

The main issues in respect of this proposal are as follows:

- Impact on listed buildings and Conservation Area
- Impact on landscape features and visual amenity
- Highway
- Flooding

Impact on the listed buildings and Conservation Area

The walls around Technology and Freedom House are a strong element of the public realm that characterise this part of the conservation area. The walls are also, by virtue of being within the curtilage of Technology House, protected under the same legislation as the main listed house and are therefore listed grade II.

To the road frontage the walls to the villas would have historically been low with cast iron railings, giving a formal appearance that is synonymous with many residential dwellings from the 18th and 19th centuries in Bath. Technology House has little of this feature surviving, save for remnants of a stone wall and does not have the same aesthetic presence in the street scene as its neighbours. The walls to Curo's site, in contrast, are high rubble stone walls, fronting directly onto the road acting as a screen to the industrial site that once operated behind it.

Running down the eastern, northern and western sides of the site, containing both Technology House and the recently completed Freedom House, is a continuous rubble

stone wall with a mixture of concrete and stone copings that shows no evidence of railings ever being applied. It forms a strong physical barrier between Technology House and the neighbouring retail site. This acts as the boundary to the conservation area in this part of Bath's designated conservation area.

The wall continues directly towards the river and then turns 90 degrees to form another boundary adjacent to the river frontage. It returns at the end of Technology Houses' curtilage where it forms the boundary between the car parks belonging to this site and Curo's. The walls vary in height depending on the topography of the enclosed land and at some points they appear to be over 2m high. All the walls have been looked at as part of this proposal by structural engineers in order to assess whether they are strong enough to support the proposed railings. The eastern wall is in relatively good condition with coping stones of varying materials along its top. The northern and western walls are however, not in such good condition. The applicants have therefore amended their proposal to have a free-standing railing installed inside the grounds to the church adjacent to the wall.

These Victorian villas were built for residential purposes with modest garden walls, apart from their frontages, facing the street. The presence of railings on the boundary walls in this location is not considered to be an appropriate alteration and would cause harm to the character and appearance of the conservation area. Their presence on top of such a simple stretch of garden walling would be uncharacteristic of the way this wall was originally intended to be seen within the context of the listed villas and the river bank.

In addition, railings normally sit on top of low walls. The railings would have the effect of presenting a visual barrier that would present a harmful appearance to the site within the context of the river side setting and would impact negatively upon the conservation area. The resulting fortress-like appearance would create a semi-industrial character to this enclave of traditional Victorian villas that would be strongly at odds with this group.

Consequently, it is considered that the proposal would have less than substantial harm to the character and appearance of the conservation area and in particular, to the setting of the River Avon. This would be contrary to paragraph 196 of the National Planning Policy Framework (NPPF) and HE1 of Bath and North East Somerset's Placemaking Plan. In addition it is also considered that under paragraph 200 of the NPPF, any new development within Conservation Areas are required to enhance or better reveal the significance of those heritage assets. In this situation the proposal would neither preserve nor enhance the existing walls to Technology House and would not make a positive contribution towards the setting of the River Avon or the character and appearance of the conservation area. It is not considered that the setting of Technology House will be harmed in this instance due to the amount of new additions and development, including the construction of Freedom House that has already taken place within its site.

Where the proposal is deemed to have less than substantial harm to a designated heritage asset - in this case the conservation area-the addition of the railings would harm not preserve or enhance the significance of this heritage asset, it should be weighed up against any public benefits. Although the applicants have provided reports of crime and damage caused to the buildings on this site over the last few years, these are issues relating solely to the use and users of the site and do impact on the wider public domain.

The NPPF advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress and should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. In this case the main benefit will be to the owner from the addition of these railings. This, in the Officer's view, is not a public benefit as the impact of these railings will have a detrimental impact on the public domain outside the site and to the setting of the river. When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF requires that great weight should be given to the asset's conservation. Consequently, it is considered that the harm caused by this alteration on the character and appearance of the conservation area is not outweighed by any public benefits nor does it provide any positive contribution towards the heritage assets and the proposal, therefore, fails to meet the requirements of policy HE1 of Bath and North East Somerset Placemaking Plan 2017 and paragraphs 196 and 200 of the NPPF.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is not considered that the works will assist the preservation of the listed building and consent is not recommended.

Under Section 72 of the same Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. This work will have a harmful impact on the appearance and character of the conservation area.

Impact on landscape features and visual amenity;

Policy D1 of the Placemaking Plan for Bath and North East Somerset sets out general urban design principles for new development and includes an expectation that development should work with the landscape structure and should contribute positively to the characteristics of the settlement.

Placemaking Plan Policy D2 requires development proposals to respond positively to the site context, in particular local character including layout, siting, set-back, building lines and building forms amongst other factors. This policy requires development proposals to respond appropriately to urban morphology and to enhance and respond to natural features, including landscape, green infrastructure, topography and landform and views.

Placemaking Plan Policy D7 states that backland development could be supported where, amongst other factors, it is not contrary to the character of the area, it is well related and not inappropriate in height, scale, mass and form to the frontage buildings, and there is no adverse impact to the character and appearance, safety or amenity of the frontage development.

The proposed railings are considered to be out of keeping with the local pattern of development and fail to respond appropriately to the local character of the area with regard to siting, height and local characteristics embodied in this part of the conservation area. The proposal is therefore contrary to the requirements of Policies D1, D2 and D7 of the Bath and North East Somerset Placemaking Plan (PMP).

Highways:

Planning permission for the construction of the church to the rear of the site on land belonging to Technology House included an area for parking with access via an existing drive and the installation of a new side gate to the drive, adjacent to Technology House was granted under 15/03027/FUL. As such the Highways Authority do not raise any concerns relating to this proposal and the scheme accords with ST7 of the PMP.

Flooding:

This part of the city is within the flood plain and the close proximity of the River Avon to the site requires any development including this proposal to be submitted to the Environment Agency for their scrutiny. In this case they have not raised any objections. The scheme therefore accords with CP5 of the Core Strategy.

Conclusion:

For the reasons set out above, the application is recommended for refusal.

RECOMMENDATION

REFUSE

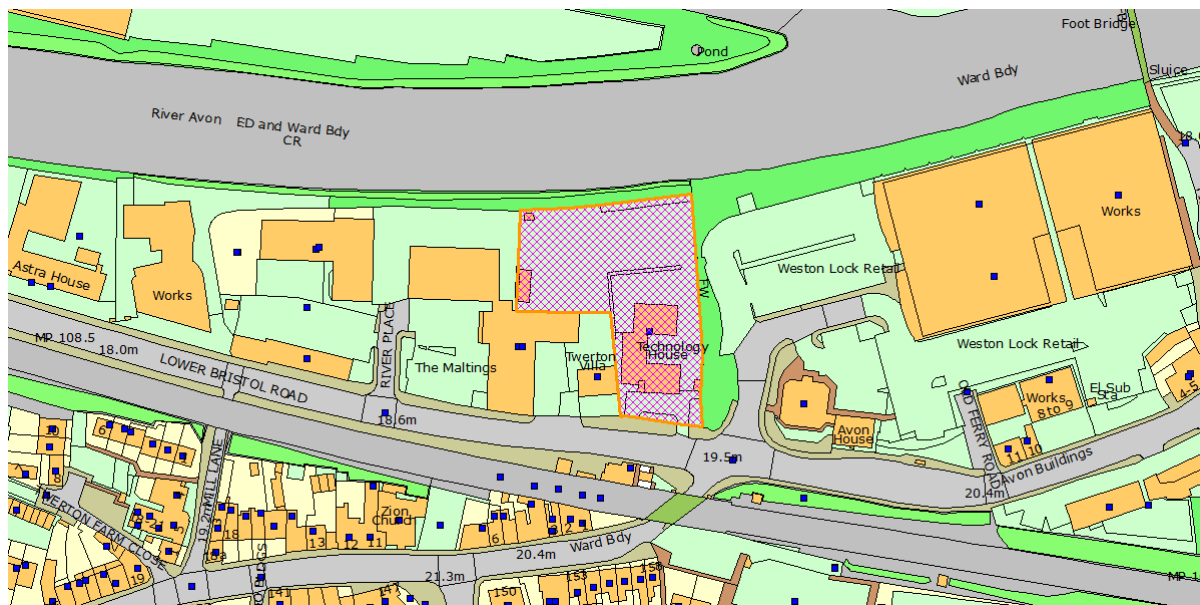
REASON(S) FOR REFUSAL

1 Given the siting and visibility of the proposed development and the unacceptable impact on the visual appearance of the listed walls, the proposal fails to respond appropriately to the local pattern of development and would have a harmful impact on views, amenity value and the landscape and townscape character of the area to the detriment of local character and distinctiveness and the character and appearance of the Bath conservation area. The proposed development would therefore be contrary to Policies D1, D2, D7, and HE1 of the Placemaking Plan, Core Strategy Policy CP6 and the aims of the National Planning Policy Framework.

PLANS LIST:

Revised Drawing	01 Mar 2019	3051-087	BOUNDARY FENCE LOCATION PLAN
Revised Drawing	02 May 2019	3051-081B	EAST BOUNDARY WALL EAST ELEVATION
Revised Drawing	02 May 2019	3051-082B	EAST BOUNDARY WALL WEST ELEVATION
Revised Drawing	02 May 2019	3051-083B	NORTH BOUNDARY WALL - NORTH ELEVATION
Revised Drawing	02 May 2019	3051-084B	WEST BOUNDARY WALL - EAST ELEVATION
Revised Drawing	02 May 2019	3051-089A	TYPICAL PLAN, SECTIONS AND ELEVATIONS
Revised Drawing	02 May 2019	3051-090A	NORTH BOUNDARY WALL - VIEW FROM RIVERSID...
OS Extract	01 Feb 2019	3051 - 080	SITE LOCATION PLAN

Item No: 04
Application No: 19/00297/LBA
Site Location: Freedom House Lower Bristol Road Westmoreland Bath BA2 1EP



Ward: Twerton **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Tim Ball Councillor Sarah Moore
Application Type: Listed Building Consent (Alts/exts)
Proposal: Erection of a metal fence to the existing rubble stone boundary wall to western, northern and eastern boundaries.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: Mr Andrew De Thierry
Expiry Date: 10th May 2019
Case Officer: Caroline Power
To view the case click on the link [here](#).

REPORT

Reason for reporting application to committee:

The application has been referred to committee as the Ward Councillor requested it be brought to Committee if the case officer is recommending refusal.

Technology House is a grade II listed building, facing onto the north side of Lower Bristol Road, with land to the rear that goes up to the south bank of the River Avon. It is a detached property that was originally built as a Victorian villa and is similar to Twerton

Villa, the neighbouring listed building to the west of this site. The grounds belonging to Technology House are bounded by a high rubble stone wall that varies in height and condition. This wall runs along the eastern, western and northern sides of the site.

Immediately to the east is a modern retail park. The main building belonging to MacDonald's is also a listed building; Avon House grade II and is of similar age and architectural style to Technology House, again fronting onto the main road. The site within the Bath Conservation Area. The site also falls within the World Heritage Site.

A major development project has recently been implemented to build a new church called Freedom House within the grounds of Technology House. The scheme has been constructed on the land to the rear of the site and is accessed via a driveway to one side of Technology House. The applicants wish to erect a continuous metal railing along the perimeter of the site either on top of the existing wall on the eastern side or to one side of the wall on the northern and western sides.

Property History

DC - 02/01160/FUL - PERMIT - 8 December 2006 - Demolition of Technology House, construction of 3 storey office to rear of Albert Villa, and alterations to roof of Albert Villa

DC - 02/02006/LBA - CON - 27 February 2003 - Demolition of Technology House, internal and external alterations to Albert Villa and construction of a three storey office to rear of Albert Villa

DC - 03/00031/LBA - CON - 14 February 2003 - Temporary demolition of 8 m section of boundary wall to rear of Technology House to facilitate Bath CSO project construction works.

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DC - 09/01745/LBA - CON - 27 July 2009 - Internal alterations to Albert Villa for the installation of 1no. stud wall in roof space.

DC - 11/01354/LBA - CON - 13 July 2011 - Renewal of consent for demolition of Technology House, internal and external alterations to Albert Villa and erection of three storey office to rear of Albert Villa.

DC - 11/01367/LBA - CON - 24 May 2011 - Internal and external alterations for the conversion of ground floor WC to an office and provision of clear glazing to window, installation of a first floor tea point and installation of 2no. security cameras.

DC - 11/04339/REN - PERMIT - 7 November 2012 - Renewal of application 02/01160/FUL (Demolition of Technology House, construction of 3 storey office to rear of Albert Villa, and alterations to roof of Albert Villa)

DC - 14/02710/CLPU - WD - 24 July 2014 - Construction of outdoor playground in existing courtyard with wrought iron fencing and gate.

DC - 14/03416/FUL - PERMIT - 21 October 2014 - Construction of a children's playground, to include a 50mm artificial grass crash mat, a wooden activity fort (not a permanent fixing) and a wrought iron fence to provide protection.

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DC - 18/05410/COND - DISCHG - 29 January 2019 - Discharge of condition 6 of application 17/01571/VAR (Variation of condition 14 attached to application 15/03027/FUL (Erection of auditorium with associated facilities and parking))

DC - 18/05480/NMA - APP - 4 January 2019 - Non-material amendment to application 15/03027/FUL (Erection of auditorium with associated facilities and parking).

DC - 19/00297/LBA - PCO - - Erection of a metal fence to the existing rubble stone boundary wall to western, northern and eastern boundaries.

DC - 19/00457/FUL - PCO - - The addition of metal fencing/ railings fixed to the top of the existing rubble stone wall to western, northern and eastern boundaries of the Freedom House site perimeter.

DC - 19/00746/COND - DISCHG - 15 April 2019 - Discharge of condition 4 of application 15/03027/FUL (Erection of auditorium with associated facilities and parking)

DC - 19/01261/COND - DISCHG - 24 April 2019 - Discharge of condition 2 of application 18/05480/NMA (Non-material amendment to application 15/03027/FUL (Erection of auditorium with associated facilities and parking).)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

36 Letters of Support Received - Refer to PLANNING APPLICATION.

POLICIES/LEGISLATION

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

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

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

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites

- Joint Waste Core Strategy
- Made Neighbourhood Plans

Core Strategy:

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

- CP5 -Flood Risk Management
- CP6 - Environmental quality
- B4 - The World Heritage Site

Placemaking Plan:

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

- D1: General Urban Design Principles
- D2: Local Character and Distinctiveness
- D3: Urban Fabric
- D5: Building Design
- D6: Amenity
- NE.2: Conserving and enhancing the landscape and landscape character
- HE1: Historic environment
- ST7: Transport requirements for managing development and Parking Standards
- SC5: Sustainable Construction

Draft Brassmill Lane, Locksbrook and Western Riverside Character Appraisal; Bath Conservation Area (Nov 2015)

OFFICER ASSESSMENT

Technology House is an early 19th century villa built in ashlar and coursed limestone, with an attractive symmetrical façade facing the main Lower Bristol Road. It is one of three Victorian villas in this part of the conservation area. It has had extensive late 20th century additions to the back of it which are not discernible from the main road. These additions have harmed the listed buildings immediate setting to the rear of the site.

This group of originally residential villas, together with the Maltings Depository building, now converted to Curo's HQ, and the MacDonald's cafe form an interesting group of Victorian buildings along the northern side of the Lower Bristol Road. They are all grade II listed. None of them are currently in residential use, with Technology House being used for charitable activities, associated with a Trauma Recovery centre for vulnerable adults and children.

This part of the Bath Conservation Area is known as Brassmill Lane, Locksbrook and Western Riverside Character Area. The character appraisal for the area identifies the River Avon as the dominant feature of the Character Area which defines the shape of the area as it flows west from Bath towards Bristol and the sea. The draft appraisal goes on to state that; " the present character is dictated by the redevelopment which has occurred since the closure of many industries in the late 20th century, principally at Western Riverside on the former gasworks and Stothert & Pitt sites. The light industrial and commercial character is mixed - sometimes uncomfortably - with residential pockets

including Georgian terraces, comfortable Victorian villas and glossy modern apartment blocks. The Avon continues to offer a tranquil route enjoyed by occasional boaters while cyclists and walkers take the vehicle-free towpath in and out of the centre".

This group of villas, together with Curo's HQ, feature rubble stone walls around their perimeters and are constructed of varying styles and heights. The character area verifies this; "Boundaries throughout the area are varied reflecting the very mixed uses. Walls range from high Bath stone walls on some of the industrial frontages to low stone or brick walls around residential properties. 19th century cast-iron railings are found with housing and more modern security railings are often found on commercial and industrial sites. There are occasionally hedges and fences around house boundaries".

The walls around Technology and Freedom House are a strong element of the public realm that characterise this part of the conservation area. To the road frontage the walls to the villas would have historically been low with cast iron railings, giving a formal appearance that is synonymous with many residential dwellings from the 18th and 19th centuries in Bath. Technology House has little of this feature surviving, save for remnants of a stone wall and does not have the same aesthetic presence in the street scene as its neighbours. The walls to Curo's site, in contrast, are high rubble stone walls, fronting directly onto the road acting as a screen to the industrial site that once operated behind it.

Running down the eastern, northern and western sides of the site, containing both Technology House and the recently completed Freedom House, is a continuous rubble stone wall with a mixture of concrete and stone copings that shows no evidence of railings ever being applied. It forms a strong physical barrier between Technology House and the neighbouring retail site. This is also the boundary to the conservation area in this part of Bath's designated conservation area. The wall continues directly towards the river and then turns 90 degrees to form another boundary adjacent to the river frontage. It returns at the end of Technology Houses' curtilage where it forms the boundary between the car parks belonging to this site and Curo's.

These walls, by virtue of being within the curtilage of Technology House, are protected under the same legislation as the main listed house and are therefore listed grade II. The walls vary in height depending on the topography of the enclosed land and at some points they appear to be over 2m high. All the walls have been looked at as part of this proposal by structural engineers in order to assess whether they are strong enough to support the proposed railings. The eastern wall is in relatively good condition with coping stones of varying materials along its top. The northern and western walls are however, not in such good condition. The applicants have therefore amended their proposal to have a free-standing railing installed inside the grounds to the church adjacent to the wall.

Technology House has been used as a church since 2000 and also rents the building to a charity The Trauma Recovery Centre. The listed building is used five days a week to provide therapy for approximately 100 children and parenting support for those same families every week. Both the church and charity engage with a variety of people, many of whom are young and vulnerable. The applicants contend that it is important that the site and the construction of a new church on this site called Freedom House need a secure immediate environment.

The proposal is for new metal railings to be fixed, between posts, on top or along side the wall along its eastern, northern and western boundary. The new railings would provide consistent security of at least 2m high. The railing design has been revised since the original submission and is now a simple contemporary detail without any embellishment, similar to those used on the adjacent site associated with Avon House (MacDonald's).

The applicants have provided evidence that the site is vulnerable to vandalism and burglary. The applicants have made a case based on these statistics and the need to protect future users and buildings on the site, justifying the proposed railings on the basis that this will deter anti-social behaviour and result in a public benefit to this part of the city. However, this benefit relates solely to the use of the site rather than to the city as a whole or to the area immediately surrounding this site.

These Victorian villas were built for residential purposes with modest garden walls, apart from their frontages, facing the street. The presence of railings on the boundary walls in this location is not considered to be an appropriate alteration and will cause harm to the character and appearance of the conservation area. Their presence on top of such a simple stretch of garden walling will be uncharacteristic of the way this wall was originally intended to be seen within the context of the listed villas and the river bank.

In addition, railings normally sit on top of low walls. The railings would have the effect of presenting a visual barrier that would present a harmful appearance to the site within the context of the river side setting and would impact negatively upon the conservation area. The resulting fortress-like appearance would create a semi-industrial character to this enclave of traditional Victorian villas that would be strongly at odds with this group.

Consequently, it is considered that the proposal would have less than substantial harm to the character and appearance of the conservation area and in particular, to the setting of the River Avon. This would be contrary to paragraph 196 of the National Planning Policy Framework (NPPF) and HE1 of Bath and North East Somerset's Placemaking Plan. In addition it is also considered that under paragraph 200 of the NPPF, any new development within Conservation Areas and World Heritage Sites are required to enhance or better reveal the significance of those heritage assets. In this situation the proposal would neither preserve nor enhance the existing walls to Technology House and would not make a positive contribution towards the setting of the River Avon or the character and appearance of the conservation area. It is not considered that the setting of Technology House will be harmed in this instance due to the amount of new additions and development, including the construction of Freedom House that has already taken place within its site.

Where the proposal is deemed to have less than substantial harm to a designated heritage asset - in this case the conservation area-the addition of the railings would harm not preserve or enhance the significance of this heritage asset, it should be weighed up against any public benefits. Although the applicants have provided reports of crime and damage caused to the buildings on this site over the last few years, these are issues relating solely to the use and users of the site and do impact on the wider public domain. The NPPF advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress and should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. In this case the main benefit will be to the owner from the addition of these

railings. This, in the Officer's view, is not a public benefit as the impact of these railings will have a detrimental impact on the public domain outside the site and to the setting of the river. When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF also requires that great weight should be given to the asset's conservation. Consequently, it is considered that the harm caused by this alteration on the character and appearance of the conservation area is not outweighed by any public benefits nor does it provide any positive contribution towards the heritage assets and the proposal, therefore, fails to meet the requirements of policy HE1 of Bath and North East Somerset Placemaking Plan 2017 and paragraphs 196 and 200 of the NPPF.

There is a duty placed on the Council 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. It is not considered that the works will assist the preservation of the listed building and consent is not recommended.

Under Section 72 of the same Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. This work will have a harmful impact on the appearance and character of the conservation area. It will not, however, have a negative impact on the Outstanding Universal Value of the World Heritage Site.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The imposition of the railings on top and to the side of the existing boundary walls represents an inappropriate alteration to the walls within the public realm which would cause less than substantial harm to the character and appearance of the conservation area. This harm is not outweighed by any public benefits. Furthermore, the negative impact of the railings will neither preserve or enhance the character and appearance of this part of the conservation area. As the level of harm has not been outweighed by any public benefits, the proposal is contrary to Policy HE1 of the Bath & North East Somerset Placemaking Plan and Paragraphs 196 and 200 of the revised National Planning Policy Framework.

PLANS LIST:

Revised Drawing	01 Mar 2019	3051-087	BOUNDARY FENCE LOCATION PLAN
Revised Drawing	02 May 2019	3051-081B	EAST BOUNDARY WALL EAST ELEVATION
Revised Drawing	02 May 2019	3051-082B	EAST BOUNDARY WALL WEST ELEVATION
Revised Drawing	02 May 2019	3051-083B	NORTH BOUNDARY WALL - NORTH ELEVATION
Revised Drawing	02 May 2019	3051-084B	WEST BOUNDARY WALL - EAST ELEVATION

Revised Drawing 02 May 2019 3051-089A TYPICAL PLAN, SECTION & ELEVATION
 Revised Drawing 02 May 2019 3051-090A NORTHBOUNDARY WALL - VIEW FROM RIVERSIDE
 OS Extract 23 Jan 2019 3051 - 080 SITE LOCATION PLAN

Item No: 05
Application No: 19/00902/LBA
Site Location: 11 Quarry Vale Combe Down Bath Bath And North East Somerset BA2 5JZ



Ward: Combe Down **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Gerry Curran Councillor Bharat Ramji Nathoo Pankhania
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal & external alterations to include installation of 1st to 2nd floor staircase. Installation of 2 conservation roof windows on rear roof slope. Board up roof void over joists. Install plaster board under rafters with skim finish. Covert bathroom to bedroom.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr Simon Hand
Expiry Date: 19th June 2019
Case Officer: Caroline Waldron
 To view the case click on the link [here](#).

REPORT

The former chair of the Development Management Committee agreed the application be considered at committee at the request of Cllr Goodman.

Quarry Vale Cottages comprises two terraces of former quarry workers cottages in Combe Down. The terraces are grade II listed and located within the Bath World Heritage Site and the designated conservation area.

The application relates to No 11 Quarry Vale Cottages and proposes converting the roofspace to a bedroom with the associated insertion of two rooflights in the rear roof slope and a new staircase in the rear first floor room to facilitate access. An existing partition in the first floor front room used to create the bathroom would be removed and the remaining portion of the rear first floor room converted into a bathroom.

A Design and Access Statement and photographs submitted by the applicant in support of the application is available on the file.

Planning history

Listed building consent granted under 05/03652/LBA to partition the front room to create a bathroom.

Application 18/04935/LBA for an almost identical scheme refused on the grounds that the proposal to insert rooflights to light the converted roofspace would dominate the plain and simple appearance of the roofslope and the proposal to partition a room and install a staircase to access the converted roofspace would compromise the legibility of the historical plan form in a way which harms the character and significance of the listed building.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Parish Council: NA

Historic England: NA

Other representations: Cllr Goodman when requesting the application be considered at committee commented;

The applicant has taken on board many of the concerns of the previous application.

Listed buildings have to evolve as long as this does not adversely effect historical significance.

The application allows the front bedroom to be returned to its original form with minimal alteration elsewhere.

Other consents have been granted to adjoining properties.

The proposal meets the requirements of the Act.

POLICIES/LEGISLATION

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

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and

Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The Revised National Planning Policy Framework (NPPF) 2018 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

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

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

Core Strategy:

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

- CP6 - Environmental quality

Placemaking Plan:

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

HE1 Historic Environment

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

OFFICER ASSESSMENT

No 1 is Quarry Vale is one of a longer early 19th century grade II listed terrace. Its modest size and internal layout - basically two over two rooms - reflects the original purpose as a quarry workers cottage.

The historical floor plan is an important aspect of the buildings character and significance. This is reflected in paragraph 45 from Historic England Advice Note 2 (Making Changes to Heritage Assets) which states that "The planform of a building is frequently one of its most important characteristics Proposals to remove or modify internal arrangements will be subject to the same considerations of impact on significance as for externally visible alterations". This advice was also published in previous English Heritage documents.

The current application now proposes converting the roof space to a bedroom which will entail inserting a new staircase to facilitate access and a pair of rooflights into the rear roofslope to light the room.

Due to the local topography the rear elevation is largely below the level of the surrounding land. As a result the most visible and prominent part of the cottage is the roof slope. Inserting rooflights will dominate the appearance of the small simple plain roof in a way which harms the character and significance of the listed building and its contribution to the rest of the terrace.

The rear bedroom room currently has a fireplace recess which together with the flanking alcoves forms part of the fabric and character of the listed building. Regrettably the fireplace and alcoves have already been obscured behind built in wardrobes and shelves installed without consent. However the method of construction is flimsy and could easily be reversed. To install the staircase the existing rear bedroom will be subdivided to create the necessary enclosure. The enclosure will run across the width of the room and into the recess adjacent to the fireplace/chimney breast. Partitioning the room in this way will compromise the integrity of the historical planform in way which harms the character and significance of the listed cottage.

The proposal to remove the bathroom partitioning from the front room and convert the remaining portion of the rear room to a bathroom will not compensate for the degree of harm that would still be caused by the staircase and enclosure and the roof lights. Indeed the proposed bathroom layout shows the shower cubicle concealing the right hand alcove when facing the fireplace opening which would further harm the historical plan form and character of the listed cottage.

Both the applicant and the local member have cited alterations to other cottages in Quarry Vale in support of the current application. The concept of precedent actually carries little weight in the determination of listed building consent applications where the starting point is the impact of the proposed work on the heritage significance of that specific building. Nevertheless a review of the planning history for the properties identified has established that the consented schemes are not comparable with 11 Quarry Vale.

7 Quarry Vale - The rooflight is from a consented scheme thirty five years ago in 1984

9 Quarry Vale

The rooflight is also from a consented scheme in 1984. More recently listed building consent was granted (16/01887/LBA) for a single storey rear extension with a rooflight. The footprint of the extension was subsequently reduced under 16/04432/LBA. This scheme has no direct a parallel with the current application at 11 Quarry Vale.

10 Quarry Vale

Various work including the installation of a spiral staircase was carried out circa 1996. There is no report on the file explaining the reasoning behind the decision. However the staircase harmed the character of the listed cottage and in 2016 (16/05220/LBA) consent was granted to remove the spiral stair and install a traditional timber flight. (The Design and Access Statement incorrectly claims that consent was granted in 2016 to install the spiral staircase). At the same time consent was also granted to insert stairs into the roofspace. In the circumstances of this particular case the first floor plan had already been disrupted by the spiral stair and the loss of historic fabric caused by the attic stair was offset against the decisive heritage benefit of securing the removal of the visually

inappropriate and intrusive spiral staircase. The scheme did not include inserting rooflights into the main roofslope.

11a Quarry Vale

Listed building consent (11/02752/LBA) was granted for internal alterations and an unobstrusive single storey extension. The officers report at the time clearly recognised the harmful impact of creating the bathroom but felt this was outweighed by the proposals to carry out essential repair work, replace the front door and the removal of an inferior building from the rear yard . Overall there was considered to be a net heritage benefit justifying the granting of consent.

13 Quarry Vale - no planning history regarding the rooflight.

There is nothing in the adjoining planning history that would lead to different conclusion on the main issues.

The National Planning Policy Framework requires, when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation. The proposed staircase and rooflights would cause harm to the character and significance of the listed cottage which would in the context of the significance of the asset as a whole and in the language of the National Planning Policy Framework, be less than substantial. In those circumstances, paragraph 196 of the Framework says that this harm should be weighed against the public benefits of the proposal. In this case the scheme will not deliver any public benefit to outweigh the harm to the heritage asset.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case the scheme of work proposed will harm the character of the listed building and the application is accordingly recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal to insert rooflights to light the converted roofspace will dominate the plain and simple appearance of the roofslope in a way which harms the character and significance of the listed building contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, The National Planning Policy Framework and published advice from Historic England.

2 The proposal to partition a room and install a staircase to access the converted roofspace will compromise the legibility of the historical plan form in a way which harms the character and significance of the listed building contrary to the Planning (Listed

Buildings and Conservation Areas) Act 1990, The National Planning Policy Framework and published advice from Historic England.

PLANS LIST:

Drawings

- 01 EXISTING FLOOR PLANS
- 02 EXISTING AND PROPOSED ROOF VOID
- 03 RELOCATION OF BATHROOM AND FIRST FLOOR S...
- 04 EXISTING ROOF VOID SECTION
- 05 EXISTING REAR ELEVATION
- 06 PROPOSED 1ST TO 2ND FLOOR STAIRCASE
- 07 3D SHOWING NEW STAIRCASE
- SITE LOCATION PLAN

Date stamped: 5th March 2019

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