

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **23rd September 2020**

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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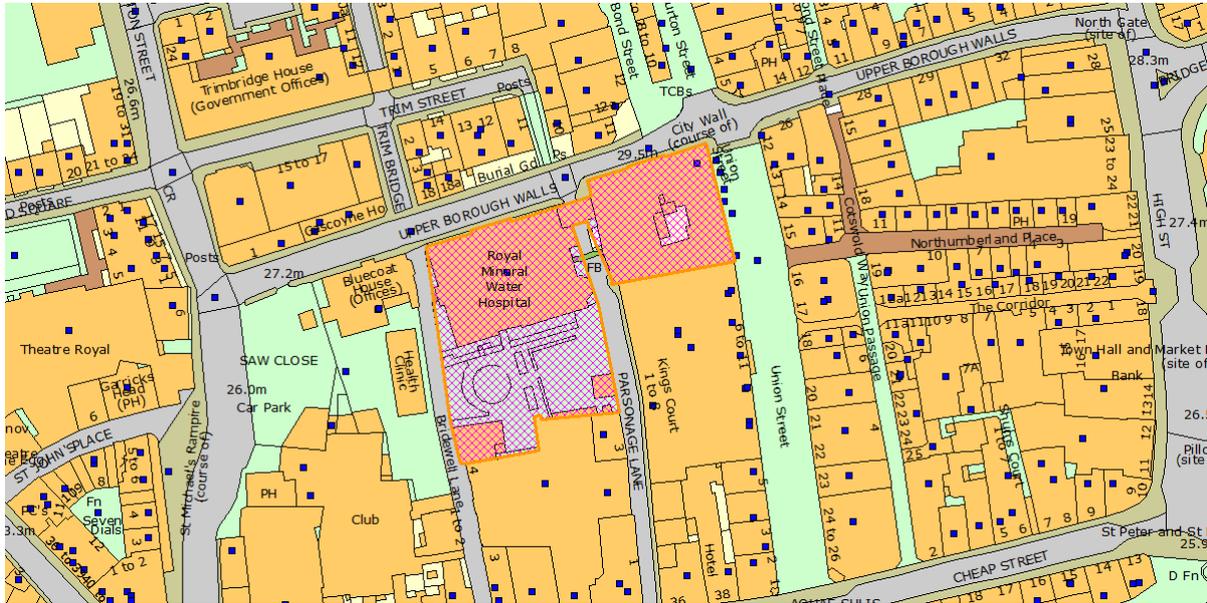
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	19/04933/FUL 31 August 2020	Frangrance UK (Bath) Ltd Royal National Hospital For Rheumatic Diseases, Upper Borough Walls, City Centre, Bath, Bath And North East Somerset Change of use from hospital (Use Class D1) to 164 -bedroom hotel (Use Class C1) and 66 sq m of restaurant/café (Use Class A3); to include publicly accessible restaurant, health spa, bar, lounge/meeting spaces at ground and first floor; external alterations to East Wing roof including removal of lift room and flu, demolition and replacement of roof top plant area and extension to existing pitched roof; demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area; removal of modern external staircase to rear of West Wing and replacement infill development and glazed link to new extension; demolition and replacement of 3rd storey extension to West Wing; alterations to the roof of West Wing including new lift shaft and plant screen; erection of 3.5-storey extension to rear of West Wing with glazed link/conservatory space; removal of two trees and replacement tree planting; landscaping and associated works.	Kingsmead	Tessa Hampden	PERMIT

02	19/04934/LBA 31 August 2020	Frangrance UK (Bath) Ltd Royal National Hospital For Rheumatic Diseases, Upper Borough Walls, City Centre, Bath, Bath And North East Somerset Listed Building Consent: Internal and external alterations associated with proposed conversion to hotel (Use Class C1); demolition and replacement of modern infill extension, new glazed roof and new infill development of northern elevation to internal courtyard of East Wing; alterations to the roof of east and West Wings; removal of external staircase to West Wing and replacement with glazed link to new extension and replacement infill development; abutment of new glazed structure with West Wing chapel south wall; demolition and replacement of 3rd floor extension to West Wing and additional plant screen and lift overrun to West Wing roof; partial demolition of the boundary wall on Parsonage Lane; construction of replacement glass screen to main internal ground floor lobby of West Wing; changes to internal layout and consequential changes to internal partitions and other fabric.	Kingsmead	Tessa Hampden	CONSENT
03	20/01893/LBA 2 September 2020	WSP Cleveland Bridge, Cleveland Bridge, Bathwick, Bath, Bath And North East Somerset The refurbishment, repair and strengthening of a Grade II* listed structure.	Bathwick	Caroline Power	CONSENT
04	19/05204/FUL 18 May 2020	Ms Aisha Bangura Parish's House, Hook, Timsbury, Bath, Bath And North East Somerset Change of use and extension of gardener's store/workshop into a conference/function centre and retrospective permission for the erection of a gazebo	Timsbury	Emily Smithers	PERMIT
05	20/02333/FUL 26 September 2020	Mrs Clare WADSWORTH 231 Wellsway, Bath, Bath And North East Somerset, BA2 4RZ, Hip-to-gable loft conversion with dormer windows to front and back, replace windows and a new roof to the front bay windows.	Widcombe And Lyncombe	Isabel Daone	PERMIT
06	20/01688/FUL 25 September 2020	Sian Jones Inglescombe Cottage, Church Lane, Englishcombe, Bath, Bath And North East Somerset Garage conversion for additional living accommodation as an annex to the existing house.	Bathavon South	Isabel Daone	PERMIT

07	20/01999/FUL 28 August 2020	Jak Homes Ltd 88 The Oval, Southdown, Bath, Bath And North East Somerset, BA2 2HE Change of use from dwelling (Use Class C3) to 6-bed house in multiple occupation (HMO) (Use Class C4).	Moorlands	Dominic Battrick	PERMIT
08	20/02340/FUL 2 September 2020	Miss Lois Lee 94 The Oval, Southdown, Bath, Bath And North East Somerset, BA2 2HF Change of use from dwellinghouse (use class C3) to house in multiple occupation (use class C4).	Moorlands	Dominic Battrick	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 19/04933/FUL
Site Location: Royal National Hospital For Rheumatic Diseases Upper Borough Walls City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** IISTAR
Ward Members: Councillor Sue Craig Councillor Andrew Furse
Application Type: Full Application

Proposal: Change of use from hospital (Use Class D1) to 164 -bedroom hotel (Use Class C1) and 66 sq m of restaurant/café (Use Class A3); to include publicly accessible restaurant, health spa, bar, lounge/meeting spaces at ground and first floor; external alterations to East Wing roof including removal of lift room and flu, demolition and replacement of roof top plant area and extension to existing pitched roof; demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area; removal of modern external staircase to rear of West Wing and replacement infill development and glazed link to new extension; demolition and replacement of 3rd storey extension to West Wing; alterations to the roof of West Wing including new lift shaft and plant screen; erection of 3.5-storey extension to rear of West Wing with glazed link/conservatory space; removal of two trees and replacement tree planting; landscaping and associated works.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Listed Building,

MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network,
SSSI - Impact Risk Zones,

Applicant: Frangrance UK (Bath) Ltd

Expiry Date: 31st August 2020

Case Officer: Tessa Hampden

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

REPORT

Reasons for referring the application to committee

This application has been called to committee by Councillor Furse. The Chair of the Committee has agreed that this should be dealt with by the committee due to the prominence and importance of this building. The application was deferred from August Planning Committee to allow Members to visit the site.

Site description and proposal

The former hospital is a Grade II * listed building located within the heart of the City of Bath Conservation Area, the World Heritage Site and within the defined city centre. The rear garden and parking area comprises a Scheduled Monument (Roman Bath and site of the roman town), and a number of the surrounding buildings are also listed.

The site is bound to the north by Upper Borough Walls; to the east by Union Street; to the south by Westgate Street and to the west by the pedestrianised Bridewell Lane. Parsonage Lane bisects the existing building and forms the eastern boundary of the garden/courtyard/parking/storage area. The NHS vacated the building on 20th December 2019 and the building is currently redundant

The hospital was originally planned, designed and constructed to provide access to treatment in the thermal waters of Bath for the 'sick poor from Britain and Ireland'. Royal Assent was given in 1830 for the mineral waters to be diverted into the hospital from the Kings Bath spring. The Mineral Water Hospital building complex is, therefore, a rare survival of a building devoted to providing medical treatment for the sick. It also forms an extremely important element within the wider setting that is the Bath Conservation Area City Centre Character Area and World Heritage Site. It is of national and international cultural and heritage significance.

The former hospital's grade II* listing identifies it as a 'particularly important building of more than special interest'. The listing states that the "building is now a rare survival of a public mid-C18 hospital, designed in Wood's prevalent Palladian idiom". Although the hospital no longer operates from these premises, it remains a rare survival of a building devoted to providing medical treatment for the sick. Consequently, it is of national and international cultural and heritage significance.

Whilst the principal elevations, established in two separate buildings; the east and west wings, front directly onto Upper Borough Walls, the east wing also forms part of Union Street to the east and to the south the west wing faces onto a garden within a defined courtyard. This area of land is designated as a Scheduled Ancient Monument and also identified as an important open space within the conservation area. To either side of the

hospital's perimeter, running south off Upper Borough Walls, are two narrow lanes reminiscent of their probable medieval origins, Parsonage Lane and Bridewell Lane. Both these streets act as physical barriers to the hospital's curtilage and are lined in part by a series of buildings and masonry walls. Within this space is the hospital lodge, lining Bridewell Lane and an electric sub-station that fronts onto Parsonage Lane.

Along these lanes are buildings of varying ages and use, predominantly residential and offices. Some of these buildings are listed; and the lanes characterised with tightly packed development, typical of the urban form in this part of the city centre. This gives the rear of the hospital, in particular along Parsonage Lane, a close visual and physical relationship with the public domain and other buildings. The lanes also allow primarily pedestrian access between Upper Borough Walls and the next main street to the south; Westgate Street, as well as access to the property that line them. To the south of the garden and land between the hospital and the next group of buildings is a tall stone wall that provides a demarcation between the hospital site and its adjacent neighbours.

The application seeks planning permission for the change of use from a hospital (Use Class D1) to a 164 -bedroom hotel (Use Class C1) and 66 sq m of restaurant/café (Use Class A3); to include publicly accessible restaurant, health spa, bar, lounge/meeting spaces at ground and first floor; external alterations to East Wing roof including removal of lift room and flu, demolition and replacement of roof top plant area and extension to existing pitched roof; demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area; removal of modern external staircase to rear of West Wing and replacement infill development and glazed link to new extension; demolition and replacement of 3rd storey extension to West Wing; alterations to the roof of West Wing including new lift shaft and plant screen; erection of 3.5-storey extension to rear of West Wing with glazed link/conservatory space; removal of two trees and replacement tree planting; landscaping and associated works.

Revised plans have been submitted during the course of the planning application which have sought to respond to officer comments and third party representations. There is a parallel listed building application which seeks consent for the works necessary to facilitate the change of use and the associated building works.

The development has been screened and is not considered to be EIA development.

Planning history

19/04934/LBA - Pending consideration - Internal and external alterations associated with proposed conversion to hotel (Use Class C1); demolition and replacement of modern infill extension, new glazed roof and new infill development of northern elevation to internal courtyard of East Wing; alterations to the roof of east and West Wings; removal of external staircase to West Wing and replacement with glazed link to new extension and replacement infill development; abutment of new glazed structure with West Wing chapel south wall; demolition and replacement of 3rd floor extension to West Wing and additional plant screen and lift overrun to West Wing roof; partial demolition of the boundary wall on Parsonage Lane; construction of replacement glass screen to main internal ground floor lobby of West Wing; changes to internal layout and consequential changes to internal partitions and other fabric.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ecology - no objection subject to conditions

Conservation/Listed Building Officer - no objection subject to conditions. Whilst areas of harm have been identified, there are public benefits that are considered to outweigh this harm.

Urban design - (no comments received on revised plans but objection to the first iteration)

Landscape Officer - not acceptable in the current form primarily due to the loss of the open space

Environmental Health - no objection subject to conditions.

Archaeological Officer - no objection subject to conditions

Historic England - The scheme presented would cause 'less than substantial' harm to the overall heritage significance of the Grade II* Royal National Hospital of Rheumatic Diseases, the Scheduled Ancient Monument, the surrounding Conservation Area and World Heritage Site. Historic England does not object to the scheme, we recognise that the level of harm being caused has been minimised as far as possible for a scheme of this nature. BANES Council must ensure that the harm is justified against the public benefit and the potential for alternative uses of the site (NPPF, Para 194 and 196).

Air Quality Officer - no objection subject to conditions

Drainage Officer - no objection subject to conditions

Highway Development - no objection subject to conditions

Arboricultural Officer - not acceptable in current form due to the reduction of space for tree planting and lack of space generally within the city.

Cllr Furse - Since the Mineral Hospital development is such a significant development in the city centre and of key public interest requests that regardless of the recommendation - that it be determined in public by the committee

Representations

Bath Preservation Trust -Support (with reservation re extension roof). Neutral opinion on the use of the building as a hotel and recognises the importance of finding a use for this building. Supportive of the attempted reduction in roof parameters, height and use of vernacular materials and the increased incorporation of the garden space into the overall scheme. The Trust remain resistant to the proposed plant room on the roof.

Federation of Bath Residents Association - concerns raised with regards to the day.sunlight assessment and the impact upon the neighbouring occupiers. The proposed rear extension is unappealing and necessary addition, and overloads the minimal space

between the buildings. Questions raised on the suitability of the building for the hotel and the need for this use given existing supply. Concern with loss of trees.

Abbey Association - In relation to the first iteration, concerns raised with regards to residential amenity, loss of hospital use, loss of trees, impact upon Scheduled Ancient Monument, relies on vehicular access. In relation to the revised plans, the improvements are noted.

187 objection/general comments have been received. These can be summarised as follows:

- Concerns in relation to loss of hospital in the centre
- Objection to a hotel when there is no need
- Other uses (including housing, community uses) are needed over the hotel use
- Increase traffic to centre
- Loss of trees
- Loss of green space
- Overdevelopment of the site
- Conflicts with the declaration of the climate emergency
- Impact upon residential amenity of the neighbouring occupiers (including privacy, outlook, light, noise)
- Inaccurate studies and plans
- Legal arguments as to why this application should not be permitted
- Loss of open space between buildings
- Impact upon Scheduled Ancient monument
- Inappropriate design - including siting, scale and materials
- Impact upon listed building, Conservation Area and World Heritage Site.
- Increased noise and disturbance to the city.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o 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:
 - o Policy GDS.1 Site allocations and development requirements (policy framework)
 - o Policy GDS.1/K2: South West Keynsham (site)
 - o Policy GDS.1/NR2: Radstock Railway Land (site)
 - o Policy GDS.1/V3: Paulton Printing Factory (site)
 - o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

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:

- SD1 Presumption in favour of Sustainable Development
- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy

B2 Central Area Strategic Policy
B4 World Heritage Site
CP1 Retrofitting existing buildings
CP2 Sustainable Construction
CP3 Renewable Energy
CP4 District Heating
CP5 Flood Risk Management
CP6 Environmental Quality
CP7 Green Infrastructure
CP10 Housing Mix
CP12 Centres and Retailing
CP13 Infrastructure Provision
BD1 Bath Design Policy

RELEVANT PLACEMAKING PLAN POLICIES

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:

SCR1 On-site Renewable Energy Requirement
SCR2 Roof mounted/Building-integrated Scale Solar PV
SCR5 Water Efficiency
SU1 Sustainable Drainage
D1 General Urban Design Principles
D2 Local Character and Distinctiveness
D3 Urban Fabric
D4 Streets and Spaces
D5 Building Design
D6 Amenity
D7 Infill and backland development
D8 Lighting
D10 Public Realm
HE1 Historic Environment
NE1 Development and Green Infrastructure
NE2 Conserving and enhancing the landscape and landscape character
NE2A Landscape Setting of Settlements
NE3 Sites, species and habitats
NE4 Ecosystem services
NE5 Ecological Networks
NE6 Trees and woodland conservation
PCS1 Pollution and Nuisance
PCS2 Noise and Vibration
PSC3 Air Quality
PCS5 Contamination
PCS7: Water source Protection Area
PCS7A Foul Sewage Infrastructure
PCS8 Bath Hot Springs
ST1 Promoting sustainable travel
ST2 Sustainable Transport Routes
ST7 Transport requirements for managing development

LCR1 Safeguarding Local Community facilities
BD1 Bath design policy
B4 The World Heritage Site and its setting

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

SUPPLEMENTARY PLANNING DOCUMENTS AND ADDITIONAL GUIDANCE

City of Bath World Heritage Site Setting SPD (2013)
Bath City-wide Character Appraisal SPD
Planning Obligations SPD (2015)
Green Infrastructure Strategy (2013)
West of England Sustainable Drainage Developer Guide (2015)
Bath Building Heights Strategy (2010)

LEGISLATION

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

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Principle of development

The former hospital use is considered a community facility. Placemaking Plan (PMP) policy LCR1 seeks to protect existing community uses unless certain criteria are met. One of the criteria is if the proposed loss is an integral part of changes by a public service provider which will improve the overall quality or accessibility of public services in the locality.

The health services formally provided at the Mineral Water Hospital have been re-provided at a new purpose-built facility at the Royal United Hospital, so as alternative facilities have been provided which will improve the overall quality of public services, the development is compliant with this policy.

The application site is located within Bath City Centre as defined by policy CP12. This policy advises that retail development, offices, leisure and entertainment uses, markets, community facilities, arts, culture and tourism uses will be primarily located within, or where appropriate, adjoining the centres. Uses which contribute to maintaining the vitality, viability and diversity of centres within the hierarchy will be encouraged. It also explains that active ground floor uses will be maintained and enhanced.

This approach conforms to the National Planning Policy Framework (NPPF). Paragraph 85 recognises that decisions should take a positive approach to the growth of town centres and their management and adaptation. It advises that planning policies should promote town centres long term vitality and viability allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries. Paragraph 86 of the NPPF advises that main town centre uses, which includes hotels, should be located in town centres. The proposed hotel use within the defined City Centre is therefore acceptable.

Within the plan period, PMP policy B1(8a) seeks to manage the provision of 500-750 new hotel bedrooms to widen the accommodation offer for the city and increase overnight stays and the competitiveness of Bath as a visitor and business destination. It is acknowledged that given significant recent growth and schemes in the pipeline, there is no short term need for further hotel development. However, it must be recognised that the over figure is not a ceiling limit.

The 'BANES Visitor Accommodation Study Update 2018' primary purpose is to provide an up-to-date, robust base of evidence on hotel and visitor accommodation development potential in the district. The document makes clear that it has prepared projections for how the hotel market could grow and that the results are not intended to be targets or caps on new hotel provision, but provide an indication of new hotel development that market growth might sustainably support without detriment to existing hotels.

Whilst the evidence indicates that there is no need for additional hotel accommodation, it is not for the planning system in this context, to intervene in the operation of the market or protect individual businesses/hotel operators. The site is located within Bath City Centre and therefore the proposed change of use of the building to a hotel is acceptable in principle.

The principle of development is therefore supported.

Character and appearance/listed building impact

The NPPF explains that heritage assets are an invaluable resource and should be conserved in a manner appropriate to their significance so they can be enjoyed for their contribution to the quality of life of existing and future generations.

Significance of heritage assets affected

Paragraph 189 of the NPPF explains that Local Planning Authorities should require the applicant to describe the significance of the heritage assets affected, including any contribution made by their setting. As noted above, the building is Grade II * Listed building, within the heart of the Conservation Area and World Heritage Site. Further the

garden area is a Schedule Monument and the site is in close proximity to a number of further listed buildings. The submission includes a thorough assessment of the significance of the heritage assets in relation to the proposals, and officers are satisfied that they have enough evidence on which to base their assessment.

In relation to former hospital, surviving internal features of particular significance include the Chapel's interior, the west wing staircase space, the remains of the earlier theatre building and stone vaulting, the Roman mosaic displayed in the floor of the west wing basement, the underground tunnels, the east wing top floor barrel vaulted ceilings and corbels, and decorative features such as fireplaces, cast iron columns, ceiling roses and cornices.

Part of the communal value of the hospital is derived from public access to the building, its status and importance within the city, and until recently its intrinsic connection to the hot springs of Bath, through the earlier use of the mineral waters in the hospital's baths for healing and other treatments.

It also plays a significant role in the conservation area and is noted as a listed building of historic/townscape significance. The positive contribution played by its garden to the public realm is also acknowledged.

The conclusion of the Statement of Significance and Heritage Impact Statement clearly states that the Mineral Water Hospital can be deemed to be of high architectural, evidential, historic and communal value. It strongly contributes to the significance of Bath as a World Heritage Site, forming a key piece of its Outstanding Universal Value.

Conversion/ New Use;

As a redundant hospital there is the risk of neglect and decay if a sustainable use is not established. Where the original use is not possible and in ensuring such heritage assets remain used and valued, it is likely that changes/adaptations will be required to suit the new use. It is most unlikely that a hospital/medical use would be re-established as the buildings do not lend themselves to current medical practice.

Securing the optimum viable use for this building is essential to achieve a successful sustainable outcome for this site. Where a heritage asset is capable of having a new use, then securing its optimum viable use should be taken into account in assessing the public benefits of a proposed development. The submitted Viability and Suitability Statement prepared by Savills, explains that when the NHS sold the building, the majority of bids were for a hotel use. It sets out how the conversion of the building carries significant abnormal costs and risks. Alternative potential uses for the building, could, in their view, result in more harm to the heritage value of the site or not represent the optimum use. Most commercial or residential uses would be unlikely to include the level of public access, or ongoing heritage interpretation, proposed with a leisure/tourism use.

Where changes are proposed, it is necessary to ensure that the heritage asset is conserved, and where appropriate enhanced, in a manner that is consistent with its significance and thereby achieve a sustainable development. The National Planning Policy Guidance (NPPG) states that part of the public value of heritage assets is the

contribution that they can make to understanding and interpreting our past. Where the complete or partial loss of a heritage asset is justified, the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available.

A significant impact on the historic value of the hospital will be loss of the original use that it was designed for. This is an inevitable result of many conversions and one which will result in the loss of some of the building's historic and communal value. The applicants have proposed the interpretation of the building's heritage in its adaptive re-use as mitigation for this loss. Given that the building is not to be retained as a hospital, there is an opportunity through the current application to analyse, restore and interpret the Mineral Water Hospital's historical value, despite the likelihood of this re-use causing a degree of alteration, impacting on the current significance of its intrinsic character.

In this case although the hospital use would be lost, the buildings on the site would be retained and converted. As part of the balance in considering the change of use proposed have provided a degree of public access and prepared a Historic Interpretation Strategy. These are both detailed below.

Internal alterations

Following the NHS's departure from the building, internal investigations were undertaken. The investigations demonstrated that there is little historic decorative fabric and internal historic features of interest. The amount of original fabric, apart from in the layout /plan form of the wards has been greatly altered resulting in much of the interior having a low significance. There are however areas of the building which do have a high level of significance.

The best conserved part of the interior is the West Wing's reception hall and staircase area, the Chapel and the undercroft beneath it and the East Wing's Violet Ward and suite of rooms around the original front entrance, together with parts of the basement and upper rooms on the second floor. These are now to be retained in their original form as open spaces. The Violet Ward which is considered to be the best preserved of the hospital's wards being unaltered since the 18th century, is to be used as a single uninterrupted meeting space.

Active uses have been introduced along the frontage of East and West Wings along Upper Borough Walls. This is beneficial in enhancing the vitality and viability of Upper Borough Walls.

Investigations have revealed that the standing remains of what is thought to be the old theatre frontage that appears to have been partially encapsulated within the east wing's basement and performs the role as a corridor wall. This will also be preserved and unlike the current situation, the use of this part of the site as a spa will allow this interesting fragment of an earlier building to be publicly accessible.

There are still proposals to subdivide many of the original wards to form hotel bedrooms, but most of these wards have lost much of their original or subsequent features of interest

that might equate to features of the original architecture. As a result, the actual size and proportions of the wards, although many have been subsequently compromised by modern partitions and dividing walls, will be predominantly altered into multiple hotel rooms. This will impact harmfully on the character of the hospital's interior.

The removal of false ceilings has revealed that the metal columns within some of the larger wards have utilitarian capitals and bases and were designed for structural support rather than architectural embellishment. As they were probably never intended to be completely visible within the wards, their concealment in any new proposals will not harm any significance.

The insertion of a second passenger lift alongside the current lift in the West Wing will necessitate a section of flooring to be removed at all levels. This will result in a degree of harm. However, this installation being adjacent to the existing lift will have little impact on any important element of the floor plan.

A further area of harm will result from the installation of new services and associated infrastructure. It is recognised that existing services have been damaging to the building's character. The conspicuous nature of existing electrical supplies lends a strong utilitarian character to many of the hospital corridors. This will be reversed, albeit the amount of new services, waste pipes and cabling will be greater than the current use has required.

Surveys of the windows and doors within the building have been undertaken revealing that there are two surviving original Georgian windows in the basement in the east wing, but much of the remaining fenestration is 20th century. Similarly, many of the doors have either been upgraded to fire doors or are later 20th century. It is understood that there is no current intention to replace the windows.

To facilitate the spa bedrooms, it is proposed to remove the existing louvered vents and replace them with windows to match the remainder of this elevation. This will be beneficial to the visual significance of the East Wing as this reinstates a lost historic feature and will add further vitality to the street.

The spa facility being reintroduced allows the hotel to offer services that reflect the forms of treatment that may have once been used in the hospital for patient treatments. The layout respects the current layout of rooms within the basement area, putting this utilitarian range of rooms and spaces to a use that will preserve much of its character. The innovative use of the inner courtyard in conjunction with the spa will add an additional level of enhancement to the overall spa facility.

Extension

The submission explains that to provide a hotel offer that would secure the long-term future of the Mineral Hospital, a garden building or extension is needed to be considered as part of the overall proposals. Whilst this has not been tested, officers must consider the scheme as submitted.

Through detailed negotiations, the extension has been amended during the application process. The extension will now comprise a 3 and a ½ story structure located against the south elevation of the west wing.

The submitted Visually Verified Montages demonstrate that the proposed development would have a barely perceptible impact on middle distance and distant views from the wider landscape. The impact is primarily more localised views.

The extension will be constructed primarily in the existing car park area and will cover a small section of the existing garden space. The City of Bath Character Appraisal explains that rear gardens such as this provide occasional areas of greenery visible from the public realm. It explains that the overdevelopment of private gardens can detract from the setting of the character area and of listed and unlisted buildings. It explains that green spaces, including this garden, provide important points of green undeveloped space in the urban landscape and need to be preserved.

The Statement of Significance indicates that the gardens to the rear of the hospital are the probable remnants of medieval gardens with Roman remains below. This will be partly dealt with in the 'archaeology section' of the report. The statement acknowledges that from at least 1610 to 1785, the site of the current West Wing and garden was a significant formal parterre garden. In the building of the West Wing in the mid-19th century, the site of the original formal garden was lost, with about three quarters of it replaced by the West Wing itself. After 1861, the current garden site and adjacent car park were again laid out as gardens and, whilst the eastern half has since been tarmacked for parking, the western half remained as garden.

This land has been partially eroded in terms of its character and contribution to the setting of the hospital and the Conservation Area by the formation of the car park. This lessens the significance of the space within the context of its origins and historic development. However, the development of this space would erode its role as a buffer between existing development, affecting the balance between built and spatial forms. This results in a degree of harm to the setting of the Conservation Area and the Listed Building and the OUVs of the World Heritage Site.

The retention of the garden and trees to the west of the site will ensure that the view from Bridewell Lane will retain the verdant character which has been identified as an important attribute. The garden areas will be re-landscaped as a small pleasure garden and will be accessible to the public using the hotel and restaurant. Whilst two trees are being removed to facilitate the extension, one large specimen tree and 5 smaller trees are being planted. As noted above, there are some concerns with regards to the loss of the open space overall, but the development is not considered to represent the overdevelopment of the garden area.

It is noted that Historic England have raised some concerns with regards the water feature and that the infrastructure required for this will take away from the openness of the site. It is important that this openness at the rear of the hospital and the original intention of the space as an area for therapeutic activity remains legible. A revised landscaping scheme can be secured via condition to ensure the right approach is taken for this space.

The extension has been designed to read as a distinctly contemporary separate entity, linked to but set apart from the historic façade of the West Wing. Following the revisions to the scale and design, it is now considered to be subservient to the Mineral Hospital. Its scale now more successfully reflects that of an extension in this back-street location.

Concerns were raised by internal and external consultees in relation to the dominance of the extension on Parsonage Lane. As a result, the extension has now been set back above ground floor level at the east elevation to ensure that the views of the extension when approaching along Parsonage Lane are minimised. This also allows for the Chapel Apse, a significant element of the hospital's historic and architectural interest, to retain its prominence and importance in the street scene.

The main bedroom extension will be connected to the south elevation through a conservatory of a minimalistic design. The amendments to the glazed connection make for a less bulky visual aesthetic than the previous scheme and will allow a better visual awareness of the rear elevation of the hospital site.

It is noted that the roof of the extension will only be visible in limited views from the public realm. The introduction of a recessed mansard roof profile more successfully reflects the historic roofscape of this area and helps to break down the extension's massing through an improved differentiation between the roof and main element of the building. The combination of the set back and roof alteration will allow for a more harmonious street scene whereby the new block echoes the architectural form of the neighbouring properties at Parsonage Lane. The addition of upstands around the plant area to mimic a row of chimneys and the installation of more traditional looking dormer windows on two elevations also help to improve the visual quality of the extension in views around the site, including views from the existing hospital's West Wing.

The use of traditional materials such as Bath stone ashlar and split faced Bath stone blends with the existing texture and colour palette of Parsonage Lane's backland character. The materials are subservient to the hospital and more responsive to the backland character of the adjacent lanes. The use of a grey metal will ensure the new form integrate into the city's roofscape.

Overall, whilst there is accepted to be a degree of harm to the setting of the listed building, Conservation Area and World Heritage Site through the loss of the open space to the rear, the quality of this space is already partly eroded. This harm will be considered alongside any all harm in the planning section of this report. However, notwithstanding this, the overall scale, design and materials used are considered to result in an acceptable addition to this former hospital building.

External works - west wing roof

The proposals include the remodelling of the 20th Century top floor of the west block. During the application process this has been amended by decreasing the windows size to ensure that it is more in keeping with Georgian proportionality. This is betterment on the existing situation and a conservation gain. The material will be clad in a grey metal, and whilst this is a more contemporary material, its tone will ensure that the roof integrates the roofscape of the city

The proposal also comprises re-opening the entrance to the East Wing on Upper Borough Walls, the reinstatement of basement windows fronting Upper Borough Walls, new gate

opening and railings and hoist to light well to West Wing on Parsonage Lane. There are no objections to these works.

Improvements to the public realm

Indicative drawings show improvements to the public realm at Parsonage Lane. Parsonage Lane currently has a predominantly tarmac finish with granite kerbs. The tarmac is patchy and in poor condition. Some of the paving slabs close to Upper Borough Walls are broken or loose.

The proposals illustrate upgrading the footpath and carriageway stretch between Upper Borough Walls and the mouth of the proposed conservatory entrance from tarmac to stone flag paving and stone block along. In addition, a section of the lane extending from the proposed entrance to the end of the developments southern boundary is identified for resurfacing with new tarmac. The existing black heritage metal railings are to be retained and repaired.

Whilst these works are indicative at this stage, these details indicate that the applicants are committed to providing public realm improvements. This would be a major improvement to the immediate public realm. In terms of the impact on the character and appearance of the Conservation Area together with the setting of the listed buildings that front onto this part of Parsonage Lane, this would result in a positive enhancement to the public realm.

Public access

Public access to the building is of paramount importance and the uses allow for this. A spa is to be provided in the basement of East Wing to include public access/spa arrival off Upper Borough Walls. The public would also have access to the juice bar, the restaurant in the Chapel and the Violet Ward will be available for external hire. The rear garden will be accessible by users of the hotel and restaurant.

The applicant has also agreed to an obligation attached to any permission that will ensure that the future occupiers must allow a minimum number of heritage open days per year when the building will be accessible for guided tours, facilitated by an identified 'Heritage Coordinator' employed by the hotel operator.

Connection to hot springs

A feasibility study for the reconnection of the hospital to Bath hot springs mineral waters was commissioned. However, there are many difficulties associated with this, and this has not been able to be secured as part of this planning application. The difficulties relate to the levels of work and new piping required, and land ownership issues. Further, the increased abstraction of water, has a potential impact upon the pore pressure in the loose deposits at the top of King's Spring on which the Roman Baths sit. Although a connection cannot be secured through this application, the applicants have indicated that mineral water might be delivered to site and as such this may provide a compensatory benefit for the spa.

Fixtures and Fittings

Artefacts including paintings, depicting the planning and conception of the hospital, the 1742 clock and effigies of various influential Georgian figures who were involved in the hospital's foundation form an important part of the history of the former hospital.

The most recent historical interpretation strategy has been modified to include an accurate inventory of all the artwork that has been removed from the hospital and where it is now housed. Not only is this an important documentary record of these important artefacts, it should also help in the future to provide the basis for possible reunification of some of the pictures and other items such as the clock back into the site

Although reuniting of these items with the hospital depends on the applicants and the NHS Trust coming to an agreed arrangement that is outside the control of these applications, by including a list of items within the historic interpretation strategy, this will at least give the public an understanding of what artefacts were once housed within the hospital and may strengthen any resolve to reunite them in the future.

Archaeological matters/Schedule Monument

The south facing hospital garden and the car park are recorded as a Scheduled Ancient Monument. The proposals will therefore also require Scheduled Monument Consent (SMC). SMC is dealt with by Historic England who are currently dealing with an application.

Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interests, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This has been undertaken by the applicant.

The Roman remains surviving under the former hospital and garden are known to be of buildings with mosaics and under-floor heating (hypocausts). These remains are little understood and, in some cases, it isn't clear where they are due to limited investigations and recording at the time they were uncovered. The garden area is significantly higher than the adjacent Bridewell Lane. Excavations the other side of Bridewell Lane showed that the Roman levels (including Mosaics that were deeply buried). Evaluation work on the site and further work on the deposit model clearly show that this is the case. The bottom of the evaluation not quite reaching the level of the Roman deposits. The nature and preservation of the buried Roman remain is therefore not fully understood, but it is now known as to how much the ground level has been raised in the post-medieval period, to its current level.

The applicant has provided an Archaeological Impact and Mitigation Statement (AIMS) to support this application. The document was agreed with Historic England and the Council prior to the submission of the application. This document provides detail of all impacts, based on current development proposals and recommends suitable mitigation to reduce any harm. This mitigation ranges from using a raft foundation, to avoid direct harm to archaeological excavation, in areas where harm to archaeology cannot be avoided. The document also explains that the results of the archaeological investigations are fully analysed and published. Compliance with this document can be secured via condition.

The engineered solution to found the new extension on a raft will not impact directly on the buried Roman archaeology. The drainage and SUDS works will potentially impact on the deeply buried Roman Archaeology. This work will remove a small area of this archaeology and therefore impact on the significance of the designated heritage asset. The physical works overall will cause only minimal harm to the significance of the monument.

Historic England have noted that the new extension will prevent any access to the archaeological remains for the foreseeable future and therefore suggest that this will also impact on the significance of the designated heritage asset. Whilst construction of the new building will limit access to some of the buried archaeological remains, Historic England have recognised that the scheme has been designed to ensure that the monument's archaeological interest will nonetheless be preserved for future generations under this foundation which has been designed to avoid impacts.

Taking the proposals and assessing its impact on all aspects of the monument's significance Historic England have concluded that the new building would cause harm to the highly designated heritage asset and that harm was less than substantial, with the level of harm towards the lower end of less than substantial.

The Roman remains within Bath have a high level of significance being an element of the OUV of the World Heritage Site as well as protected in areas as a scheduled monument. This places the archaeology under NPPF paragraph 194 as a highly designated heritage asset. The more important that asset the more weight should be given to its conservation whatever the level of harm.

The two Roman mosaics currently within the site will be displayed within publicly accessible parts of the building. The wall mounted Roman mosaic in the Lodge building is proposed to be relocated to enable guest and public viewing in the new conservatory restaurant and basement mosaic made more accessible. This is a heritage gain.

As noted above, the scheme will also require SMC from Historic England. They have advised that DCMS policy makes clear that in assessing SMC, cases that would lead to less than substantial harm to the significance of a scheduled monument the harm will be weighed against the public benefits of the proposal. The same balancing exercise is undertaken under the NPPF. Historic England have confirmed that in carrying out their own assessment of the scheme as a whole, they have therefore taken account of the heritage benefits that form public benefits arising from the scheme. These relate to the improved interpretation and public access to the remains within the building. They consider that the harm to the scheduled monument will be justified because they acknowledge the scheme will provide public benefits as a whole.

Overall, therefore it is noted that there is harm to the Scheduled Monument and resultant harm to the World Heritage Site. Officers agree with the conclusion of Historic England that this harm was less than substantial, with the level of harm towards the lower end of less than substantial. This harm will be weighed against the public benefits, noting that considerable weight must be given to the assets conservation.

Historic Interpretation Strategy (HIS)

The submission includes a draft HIS. This has been prepared to secure measures that will make a meaningful contribution to the historic interpretation of the Mineral Hospital, for the benefit of the public in the future. The submission explains that the aim of the document is to celebrate and interpret those historic features that remain in the building and to interpret and present the rich history of the hospital.

It explains that a key mechanism for delivering on site interpretation will be the use of digital technology which may include interactive wallpaper. This allows images to be shared such as paintings, artefacts, and display of information on smartphones. It also confirms that physical objects of historic significance could be displayed in a number of key locations around the hospital. An interior design brief is included in the documents

The HIS also details matters such as public access, and connection to spa waters as detailed above. Further, as highlighted, the HIS contains an inventory of the fixtures and fittings removed from the building and details of how these may be used in the future.

The HIS also covers off site interpretations and explains that the applicant's team have been in discussions with external bodies to ensure that heritage offer at the Mineral Hospital is joined up with other museums. One partner that has been explored is the Bath Medical Museum (BMM), which was previously based in the Mineral Hospital. It is noted that the BMM have difficulties in funding long term accommodation, and this is outside the control of this application. However, it is noted that BMM are currently developing their website to provide enhanced content on the city's medical history, and it is considered that this could link closely with the HIS and this may include a financial contribution to assist in the development.

The aims of this strategy can be secured via S106

Conclusion on heritage matters

The above section of the report highlights areas of harm, as well as public benefits brought about by the proposals.

Harm has been identified due to the change of use of the building, through the loss of its original use and links to the hot springs. The change of use itself results in some harm from the change in plan forms as well as loss of historic fabric. The extension itself causes a degree of harm due to the erosion of space to the rear and the connection to the south elevation and the setting of the hospital. This is considered to result in harm to the listed building, Conservation Area and the World Heritage Site. Further harm has been identified to archaeology due to the potential impact of drainage and loss of future opportunities for excavation. This is considered to result in harm to the Schedule Monument and World Heritage Site.

In the language of the Framework, when looking at each area of harm, and considering the harm within the scheme as a whole, the harm to the designated heritage assets is considered to be less than substantial. In line with the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposals, including where appropriate, securing its optimum viable use.

When considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification. Officers have sought to minimise the harm where possible and have placed significant importance on the designated assets conservation.

Within the above section of the report, it has been explained that a number of public benefits could be delivered through the scheme. The NPPG advises that public benefits may be anything that delivers economic, social or environmental progress as described in the NPPF but it must flow from the proposed development 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. It also recognises that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as reducing or removing risks to a heritage asset and/or securing its optimum viable use in support of its long-term conservation. It is considered that this scheme will achieve a new use for this building which is now vacant with the new investment and use ensuring that the building does not remain empty putting the heritage asset at risk. It is considered that the hotel use will allow public access to the building which is considered to be of high importance. Through measures outlined within the submission including the HIS, the public will be able to have a continued understanding of the history of the building, and a better appreciation of assets such as the Roman Mosaics which will be located in publicly accessible parts of the building.

Further benefits include improvements to Parsonage Lane and active uses to Upper Borough Walls, heritage gains through removing late 20th century detrimental fabric from the hospitals interior, restoring and maintaining the more significant rooms within the buildings and improvements to the roof of the west wing

Paragraphs 193 and 194 of the NPPF state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the level of harm, and that any harm should require clear and convincing justification. It is therefore important to understand that considerable importance and weight must be given to the conservation of the heritage asset when carrying out the balancing exercise.

The aforementioned public benefits weigh heavily in favour of the application, but this need to be considered against the fact that great weight must be given to the assets conservation, and this is of paramount importance given the significance of the assets involved. Overall, set alongside the level of harm identified to the significance of the designated heritage assets, these public benefits provide clear and convincing justification and are sufficient to indicate that the proposal would be acceptable.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. In this instance detailed attention has been given to this duty, and whilst some harm has been identified to the

Conservation Area for example through the loss of open space, benefits have been delivered. Full consideration has also been given to the impact upon the scheduled monument and the World Heritage Site, with solutions sought to minimise any impact.

Sections 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. As above, significant attention has been given to ensure that this duty is fulfilled. Detailed negotiations have been undertaken to ensure that any harm to the listed building and its setting is minimised and the enhancements maximised.

In conclusion, the proposal would provide sufficient public benefits to outweigh the harm to significance of the identified assets. Therefore, the proposal would accord with NPPF paragraphs 193, 194 and 196 and Sections 16(2). The proposal would also accord with Policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 which, amongst other things, requires the significance of listed buildings to be sustained and enhanced and any harm to be justified.

Highway safety

The application is supported by a Transport Assessment (TA). It has been audited in detail and found to be robust.

The development is proposed as a car free development. Cycle parking will be available in accordance with standards set out in the Placemaking Plan. The site is in the city centre and is therefore suitably located for access by sustainable transport methods. The former hospital was run by approximately 250 staff, with around 260 patients arriving at the hospital daily. The change of use from hospital to hotel will reduce traffic movements associated with the site by an average of approximately 63 in a 24-hour day. The submission confirms that the hotel will no longer offer a valeting parking service which will help minimise the number of vehicular movements to the site.

The car park and vehicular access to/from Parsonage Lane will be closed and all deliveries will take place from the loading bay on Upper Borough Walls. Refuse will be stored in the hotel basement and will be collected from the kerbside of Upper Borough Walls

The east and west buildings will both have pedestrian access direct from Upper Borough Walls. In addition, restaurant, staff and delivery entrances will be located in Parsonage Lane and at its junction with Upper Borough Walls.

The applicant notes the existing waiting and loading restrictions along the frontage of the application site on Upper Borough Walls including a designated ambulance bay. They highlight that, with the closure of the hospital, there is no justification to retain the existing ambulance bay and so suggest changes to the current arrangement. Whilst there would be no change to the existing shared loading / disabled parking bay on Upper Borough Walls to the west of the site, the TA proposes to relocate the existing eastern most disabled parking bay next to the existing disabled parking bay to its' west and to re-designate a new loading bay with a one hour limit, the eastern end of the building frontage, west of Parsonage Lane.

Statutory procedures relating to the advertising of changes to existing Traffic Regulation Orders (TRO) mean there is no guarantee that the above changes can be made. Any associated work to secure the TRO would need to be funded by the applicant under the terms of a S106 agreement. Whilst the proposed changes are logical, arise as a direct consequence of the proposed change of use, and will make best use of the existing waiting and loading bays at the frontage of the site, their re-designation is not essential for the development to be acceptable in highways terms.

The applicant's attention has been drawn to the Council's future vision of closing Upper Borough Walls to traffic (except for limited delivery times). This has been recognised by the agent and the operation of the hotel will adapt to fit in with these arrangements this will plan comes to fruition.

Residential amenity

PMP policy D6 requires that development must allow for appropriate levels of amenity and allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light. Further it should 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 disturbances.

Careful consideration has been given to the third-party representations. A number of occupiers of the nearest residential properties have significant concerns in relation to how the development will impact upon their amenity, through matters including loss of light, outlook, privacy and increase noise and disturbance.

The site is bound to the south by residential properties at Parsonage Lane, with a courtyard garden located directly behind the high boundary wall. The extension will be built close to the southern boundary and therefore there will be an impact upon these occupiers. Whilst the development will clearly change how nearby occupiers experience the site, an assessment needs to be made as to whether the siting of this extension in this location, as well as the development overall, will result in unacceptable harm. A hotel and office use are also located nearby and the occupiers of these may be less sensitive to change, any scheme should not compromise the use of these buildings to a significant degree

Third parties have raised concerns with regards to the impact upon the privacy of the neighbouring occupiers, particularly due to the placement of windows on the southern boundary. The submission explains that the scheme has been designed to ensure that the privacy of the nearby occupiers is not compromised. An overlooking diagram accompanied the application. Any overlooking is minimised through the including of fixed vertical louvres which angle the views and frosted glazing at roof level. Subject to this being secured, the development is not considered to result in significant harm through overlooking/loss of privacy.

The submissions include a detailed Daylight and Sunlight Amenity Assessment in support of their application. This has been undertaken in accordance with the Building Research Establishment (BRE) Report 209 - 'Site layout planning for daylight and sunlight' - A Guide to Good Practice. It is noted that concerns have been raised with the accuracy of this

study. It should be noted that the study is just one tool on which to base the judgement of the acceptability of the development, and officers have the benefit of site visits and detailed plans.

It is noted that there are a number of tests that could be undertaken but the study uses a number of tests to assess the impact. The first test relates to Vertical Sky Component. This is a measure of available skylight at a given point on a vertical plane. The amount of skylight can be calculated by finding the VSC at the centre of each window. The second test relates to daylight distribution which is calculated by the no skyline. The report also looks at the sunlight availability to windows.

The reports show that domestic windows will have a reduction in vertical sky component, daylight distribution and sunlight hours. It explains that one window (that at ground floor nearest the southern boundary) falls short of the recommended VSC target (0.78 against a target of 0.8). As noted, these tests need to be applied flexibly.

Having considered the findings of the report, and through the assessment of the application, it is not considered that the impact of the development on the matters covered in the report would result in significant harm, and would allow for existing/future occupiers to have appropriate levels of amenity in this city centre location.

Whilst it is noted that the outlook of those residents at the adjoining properties would change, it is not considered that the proposed building would dominate the outlook, or be significantly overbearing in this city centre context, to such an extent to unduly compromise the residential amenity of these occupiers.

Concerns have also been raised with regards to noise and disturbance from the hotel use, including the windows facing onto the neighbouring dwellings. It is accepted that the hotel use is likely to cause more noise than its former use. The submitted noise report indicates that indicative façade calculations have determined that with closed windows and mechanical ventilation, the internal conditions set out in BS 8233 can be met with the existing masonry façade and acoustically rated double glazing of Rw 36-37 dB as recommended within the report (Page 16). However, to ensure these internal conditions are met this will require a compliance condition

New plant will be required but the details of this proposed plant was not known at the time of the acoustic report and therefore careful consideration will be required in the choice of this plant to ensure levels of noise do not impact on the local amenity. To protect the amenity of the locality, especially for people living and/or working nearby, a condition to control the plant should be included on any permission.

The use of the garden area at unsociable hours has the potential to impact upon the residential amenity of the neighbouring occupiers. It is therefore considered that the use of this garden area should be controlled through a condition. It is noted that a large tree is to be planted against the southern boundary which will act as a barrier between the active uses within the site and the neighbouring boundary.

It is recognised that there will be patrons of the hotel and restaurant leaving and arriving back at site at later times. However, this is a city centre location where there is already a

degree of noise and disturbance. This is not considered to result in significant harm to the amenity of the neighbouring occupiers.

There will be a degree of noise and disturbance through the construction process. It is recognised that this process can be difficult for neighbouring occupiers, especially those that may spend more time in their homes. It is important that any impact is managed through the inclusion of a Construction and Environmental Management Plan. This will ensure that any harm is minimised.

The operational lighting for the application site should be based on the use of current lighting technologies and innovative design to optimise visual acuity, energy efficiency, safety, and security and light pollution control. Design criteria should be based on current lighting standards and guidance for minimising the effect of obtrusive light. A condition can be secured on any permission to secure these details.

Overall, it is noted that the development will have an impact upon the residential amenity of the neighbouring occupiers, particularly in relation to the change in their outlook with the development presenting a large structure at the boundary. However, on balance, it is considered that the occupiers of the nearby units will still have appropriate levels of amenity, and the development does not result in significant harm to their residential amenity that would result in a refusal of the application.

Arboricultural Matters

The existing trees on the site are protected by virtue of the Bath Conservation Area designation. These trees soften an otherwise hard landscape.

The application is accompanied by an Arboricultural report which confirms that the proposed development would require the removal of a weeping ash and box elder. The weeping ash is the most significant tree of the two but has a limited life expectancy so an outright objection to the loss of this tree is not considered appropriate. The box elder is in reasonable condition but is considered to provide less visual amenity compared to the other three trees being a relatively small semi-mature individual located between the Himalayan birch and ash

Tree protection measures will be critical to secure the retention of the two Himalayan Birch which contribute towards the visual amenity of the area. A construction method statement has been submitted which give officers comfort that the Birch can be retained.

5. new trees are proposed for the garden including, a mature specimen tree (approx. 25-year-old) tree is proposed to be planted next to the Lodge. A Section 106 contributions will be sought with the granting of any planning permission to help mitigate the loss of the trees. It is noted that the Council's Arboriculture Officer has noted that there are limited opportunities within the city to secure this planting. However, the planning obligations SPD allows for this to offset tree loss.

Drainage

The drainage strategy has been agreed and this is acceptable. There are therefore no objections on the grounds of flood risk or drainage matter subject to conditions.

Sustainable construction

The benchmark for demonstrating that energy efficiency has been "maximised" as required by CP2 is a 19% reduction in regulated emissions compared to that required by the Building Regulations. Due to the requirement of Policy SCR1, 10% of this reduction must be from renewable energy sources and the remaining 9% may be from other means (such as energy efficiency/building fabric etc.) The new extension heating, hot water and cooling systems will be served by air source heat pumps

Overall, the proposals meet this requirement. However, in terms of the existing buildings, the proposals exceed the policy requirements, with a 40% reduction in CO2 measures through retrofitting the existing building. The proposed new extension exceeds the policy requirement by securing a 22% reduction in CO2 emissions with fabric first and renewable energy designed into the scheme. The submission also confirms that the development could connect to district heating in the future.

Ecological implications

Preliminary ecological survey and assessment (PEA) and a bat survey report have been submitted and the findings are accepted. The bat survey was unable to rule out the risk of roosts present in an area of the building to be affected by re-roofing works, identified as supporting bat roost potential, due to accessibility constraints to the survey. The risk is however considered to be low. Precautionary working methods and ecological supervision are recommended which are considered appropriate in the circumstances. These should be secured by condition.

The PEA makes appropriate recommendations for additional ecological measures which should also be implemented and secured by condition.

Subject to the above, the development is considered to be ecologically acceptable.

Air Quality

The air quality report is acceptable. The report recommends mitigation to minimise potential dust arising from the construction phase of the development.

Contaminated Land

Taking account of the potentially contaminative historical uses of the site, the proposals to redevelop the site and the findings and recommendations of the submitted Phase 1 report, there are no objections in relation to ground contamination subject to conditions being included on any permission.

Planning obligations

The following will be secured as part of any planning permission through a legal agreement.

- Commitment to the Historic Interpretation Strategy to secure on and off-site interpretation of the building's important history and enabling some continued public access to the buildings.

- Public realm improvements and necessary financial contributions

- Financial contribution to traffic regulation orders

- Financial contributions towards tree replacement planting

Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010.

The development results the change of use of a hospital, but this facility has been re-provided. Whilst this is in a less central location, this is part of changes by a public service provider. The granting of this planning permission is not considered to result in undue impacts upon any particular group as this facility is still available in an accessible location.

Whilst there will be an impact upon a neighbouring resident, this has been fully assessed. Conditions will be included on any planning permission to ensure that the amenity of the nearby occupiers is minimised. The impact of the development through the construction process can be limited through a Construction Management Plan to ensure the needs of local residents are fully considered.

Planning balance

A new use must be found for the building, which will ensure its retention and conservation. The use of the building as a hotel is acceptable in principle in this city centre location and is considered to be an appropriate use for this important listed building. The use will allow for continued public access and appreciation of the rich history of the building and its role within the World Heritage Site.

Whilst less than substantial harm has been identified to the heritage assets, there is considered to be clear and convincing justification and public benefits to outweigh this harm. Great weight has been given to the conservation of the heritage assets.

The development will have an impact upon the neighbouring occupiers and will change how they experience the site. However, the development will not result in a situation where they no longer have appropriate living conditions in this city centre location.

The proposed development will help to secure the long-term conservation and optimum viable use of an important heritage asset in Bath through redevelopment into a commercially viable hotel use. The application is therefore recommended for approval subject to planning obligations and conditions.

RECOMMENDATION

PERMIT

CONDITIONS

0 A Authorise the Director of Legal and Democratic Services to enter a Section 106 Agreement to secure the terms outlined in this report, and

B Subject to the prior completion of the above agreement authorise the Head of Planning to PERMIT subject to the following 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 Drainage (Pre commencement)

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water

discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, shall be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether the discharge rates are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

3 Prior to the commencement of development at the site details of a Construction Environmental Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

4 Travel Plan (Pre-occupation)

No occupation of the development shall commence until a Travel Plan (based on the principles set out in paragraph 4.6.1 off the Transport Statement) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan.

5 Hard Landscaping (Pre-occupation)

No occupation shall commence until a hard landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of existing and proposed walls, fences, ground levels, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

6 Hard and Soft Landscaping (Compliance)

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

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

7 Archaeology Post Excavation and Publication (Pre-occupation)

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

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

8 Archaeology Controlled Excavation (Pre-commencement)

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

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

9 Archaeology Engineering Solution (Pre-commencement)

No development shall commence (including any site clearance or demolition works), until the applicant, or their agents or successors in title, has produced detailed drawings of the raft slab foundation. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

Reason: The site is within an area of major archaeological interest and the Council will wish to ensure that no significant impacts on the designated heritage asset are incurred by the development. This is a pre commencement condition as any work could harm the asset.

10 Arboricultural Method Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (JP Associates March 2020). A signed certificate of compliance with the statement for the duration of the development shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion.

Reason: To retain the protection of the retained trees

11 Ecological Supervision and Precautionary Working Methods (Compliance condition)

No works shall commence to the roof or vegetated garden area until an ecological clerk of works (licenced bat worker) has been appointed to provide ecological advice regarding precautionary working methods, avoidance of harm to wildlife including nesting birds and bats, and to undertake ecological supervision of works to the area of roof which has been identified within the approved Bat Survey Report dated September 2019 by SLR as supporting bat roost potential. Details of additional measures as described in Section 7 of the approved Preliminary Ecological Appraisal dated September 2019 by SLR shall be agreed on the ground with the ecological clerk of works and implemented thereafter. Works shall proceed thereafter only in accordance with professional ecological advice and with Section 5 of the approved Bat Survey Report and Sections 5.2.1 and 7 of the approved Preliminary Ecological Appraisal.

Reason: to avoid harm to bats and their roosts and nesting birds and to provide additional measures for the benefit of wildlife

12 Construction Management Plan (Pre-commencement)

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with 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.

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

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

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

(ii) an assessment of the potential risks to:

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

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

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

14 Contaminated Land - Remediation Scheme (Pre-commencement)

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

(i) all works to be undertaken,

(ii) proposed remediation objectives and remediation criteria,

(iii) timetable of works and site management procedures, and,

(iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

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

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

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

15 Contaminated Land - Verification Report (Pre-occupation)

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

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

16 Contaminated Land - Unexpected Contamination (Compliance)

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

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

17 Privacy measures (Compliance)

Prior to the occupation of the hotel, the obscure glazing and privacy louvers shall be installed on the souther elevation in accordance with plan reference 30402 PLO5. These measures shall be permanently retained. These windows shall be non opening.

Reason: To safeguard the privacy of the neighbouring occupiers.

18 Construction Environmental Management Plan (Pre commencement)

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- A description of the sensitive features or receptors associated with the Application Site and surrounding area, and the rationale for protection of these features (known as the Environmental Impacts / Aspects register);
- An overall programme for demolition and construction activities, together with method statements and risk assessments relating to certain activities; o The control measures and monitoring requirements to be implemented during each stage of the demolition and construction works to minimise resource use, protect the environment or minimise disturbance of sensitive receptors;
- Names of the nominated person(s) responsible for implementing these measures and undertaking the required monitoring, and the person(s) responsible for checking that these measures have been implemented and monitoring completed; -Reporting procedures and documentation requirements in relation to implementation of the control measures and monitoring; and o Actions to be taken in the event of an emergency or unexpected event.

The CEMP should reflect the Council's Code of Practice to Control noise from construction sites. The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site

Reason: To safeguard the amenity of the neighbouring occupiers. This is a pre commencement condition due to the fact that any demolition or construction works has the potential to impact upon the neighbouring occupiers.

19 Noise from plant (Compliance)

The noise rating of the combined plant at the closest noise sensitive receptor shall be limited to 42 dB LAr,Tr during the daytime and 33 dB LAr,Tr during the night-time as recommended within the submitted report at page 16.

Reason: To safeguard the amenity of the neighbouring occupiers

20 Hotel Accommodation - sound attenuation (Pre occupation)

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2004. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,T for living and bedrooms during the day (07.00-23.00) and 30dBLAeq,T

bedrooms at night (23.00-07.00). For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB_LA_{max}.

Reason: To ensure visitors to the property have acceptable amenity levels

21 Use of garden area (Compliance)

The external garden area hereby approved use shall not be used by customers outside of hours 7am to 10.30pm Monday to Sundays unless otherwise approved in writing by the Local Planning Authority.

Reason: to safeguard the amenity of the neighbouring occupiers.

22 Lighting (Bespoke trigger)

Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme should comply with the Institution of Lighting Engineers Guidance Note on Light Pollution. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.

Reason: To minimise light pollution to safeguard residential and visual amenity

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

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

24 Sustainable Construction (Pre-occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- Table 2.2 and 2.3 (Calculations);
- Building Regulations Part L post-completion documents

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

25 Plans List (Compliance)

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

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

PLANS LIST:

1	12 Jun 2020	LL 351 002 REV B	COURTYARD LAYOUT AND SECTIONS
	12 Jun 2020	LL-351-001 REV E	LANDSCAPE LAYOUT
	11 Jun 2020	02001 PL05	PROPOSED ELEVATION - EAST AND WEST WING
	11 Jun 2020	02002 PL05	PROPOSED ELEVATION - WEST WING
	11 Jun 2020	10007 PL05	PROPOSED ROOF PLAN
	11 Jun 2020	20004 PL05	PROPOSED ELEVATIONS - EXTENSION FACADE DETAIL
	11 Jun 2020	20101 PL05	PROPOSED DETAIL ELEVATIONS - NORTH EAST
	11 Jun 2020	20102 PL05	PROPOSED DETAIL ELEVATIONS - SOUTH WEST
	11 Jun 2020	30301 PL05	PROPOSED EXTENSION SECTION
	11 Jun 2020	30402 PL05	PRIVACY LOUVRES
	05 Jun 2020	02003 PL01	PROPOSED ELEVATION EAST WING
	04 Jun 2020	10001 PL03	PROPOSED BASEMENT FLOOR PLAN
	04 Jun 2020	10002 PL03	PROPOSED GROUND FLOOR PLAN
	04 Jun 2020	10003 PL04	PROPOSED MEZZANINE FLOOR PLAN
	04 Jun 2020	10004 PL04	PROPOSED FIRST FLOOR PLAN
	04 Jun 2020	10005 PL04	PROPOSED SECOND FLOOR PLAN
	04 Jun 2020	10006 PL04	PROPOSED THIRD FLOOR PLAN
	04 Jun 2020	12001 PL02	TYPICAL WINDOW, WALL AND COLUMN DETAILS
	04 Jun 2020	13006 PL03	PROPOSED BASEMENT LIGHTWELL WORKS
	04 Jun 2020	13012 PL02	PROPOSED LIGHTWELL AND WINDOW
	04 Jun 2020	30403 PL04	STREET CONTEXT SECTIONS
	31 Mar 2020	02004 PL02	PROPOSED & EXISTING COURTYARD ELEVATION
	31 Mar 2020	12011 PL02	PROPOSED LIFT SHAFT OPENING TYPICAL DETAIL
	31 Mar 2020	12013 PL02	PROPOSED SERVICE RISERS (WEST WING)
	31 Mar 2020	12012 PL02	PROPOSED RISER REINSTATED (EAST WING)
	31 Mar 2020	12014 PL02	PROPOSED RECONSTRUCTION OF SOUTH RANGE
	31 Mar 2020	12016 PL02	NEW LINK RELATED ALTERATIONS 1 OF 2
	31 Mar 2020	12017 PL02	NEW LINK RELATED ALTERATIONS 2 OF 2
	31 Mar 2020	13002 PL02	PROPOSED RAISED FLOOR (BASEMENT)
	31 Mar 2020	18002 PL02	TYPICAL ELEVATION NEW CLADDING PROPOSALS
	31 Mar 2020	30302 PL02	PROPOSED SECTION - WEST WING COURTYARD
	31 Mar 2020	D1001 PL02	DEMOLITION PLAN BASEMENT FLOOR
	31 Mar 2020	D1002 PL02	DEMOLITION PLAN GROUND FLOOR
	31 Mar 2020	D1003 PL02	DEMOLITION PLAN MEZZANINE FLOOR
	31 Mar 2020	D1004 PL02	DEMOLITION PLAN FIRST FLOOR
	31 Mar 2020	D1005 PL02	DEMOLITION PLAN SECOND FLOOR
	31 Mar 2020	D1006 PL02	DEMOLITION PLAN THIRD FLOOR
	31 Mar 2020	D1007 PL02	DEMOLITION PLAN ROOF
	31 Mar 2020		WINDOWS AND DOORS SCHEDULE
	13 Nov 2019	1000	EXISTING BASEMENT FLOOR PLAN
	13 Nov 2019	1001	EXISTING GROUND FLOOR PLAN
	13 Nov 2019	1002	EXISTING MEZZANINE FLOOR PLAN

13 Nov 2019	1003	EXISTING FIRST FLOOR PLAN
13 Nov 2019	1004	EXISTING SECOND FLOOR PLAN
13 Nov 2019	1005	EXISTING THIRD FLOOR PLAN
13 Nov 2019	10058	EXISTING SITE PLAN
13 Nov 2019	13001	PROPOSED GLAZED BALUSTRADE SURROUNDING MOSAIC
13 Nov 2019	13005	PROPOSED REINSTATED FIREPLACE AND WALL INFILL
13 Nov 2019	13007	PROPOSED STEEL STAIR AND LIFT
13 Nov 2019	13011	PROPOSED MINERAL WATER POOL AND GLAZED ROOF
13 Nov 2019	14001	PROPOSED ARCHED GLAZED SCREENS AND DOORS
13 Nov 2019	14002	PROPOSED ENTRY DOOR
13 Nov 2019	14005	PROPOSED ACCESSIBILITY MODIFICATIONS
13 Nov 2019	14008	PROPOSED MODIFICATIONS TO APSE
13 Nov 2019	14013	PROPOSED POOL INFILL AND FLOOR WORKS
13 Nov 2019	15002	PROPOSED WORKS WITHIN CHAPEL VAULTS
13 Nov 2019	16001	PROPOSED OPENINGS IN FIRE RATED WALL
13 Nov 2019	17006	KINGS WARD POD BEDROOM
13 Nov 2019	2000	EXISTING BASEMENT FLOOR PLAN
13 Nov 2019	2001	EXISTING GROUND FLOOR PLAN
13 Nov 2019	2002	EXISTING FIRST FLOOR PLAN
13 Nov 2019	2003	EXISTING SECOND FLOOR PLAN
13 Nov 2019	3000	EXISTING ANNEX PANS AND ELEVATIONS
13 Nov 2019	E2001	EXISTING ELEVATION EAST WING WEST WING
13 Nov 2019	E2002	EXISTING ELEVATION WEST WING
13 Nov 2019	E2003	EXISTING ELEVATION EAST WING
13 Nov 2019	1000	SITE LOCATION PLAN

2 Permit/Consent Decision Making Statement

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

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

4 Permit/Consent Decision Making Statement

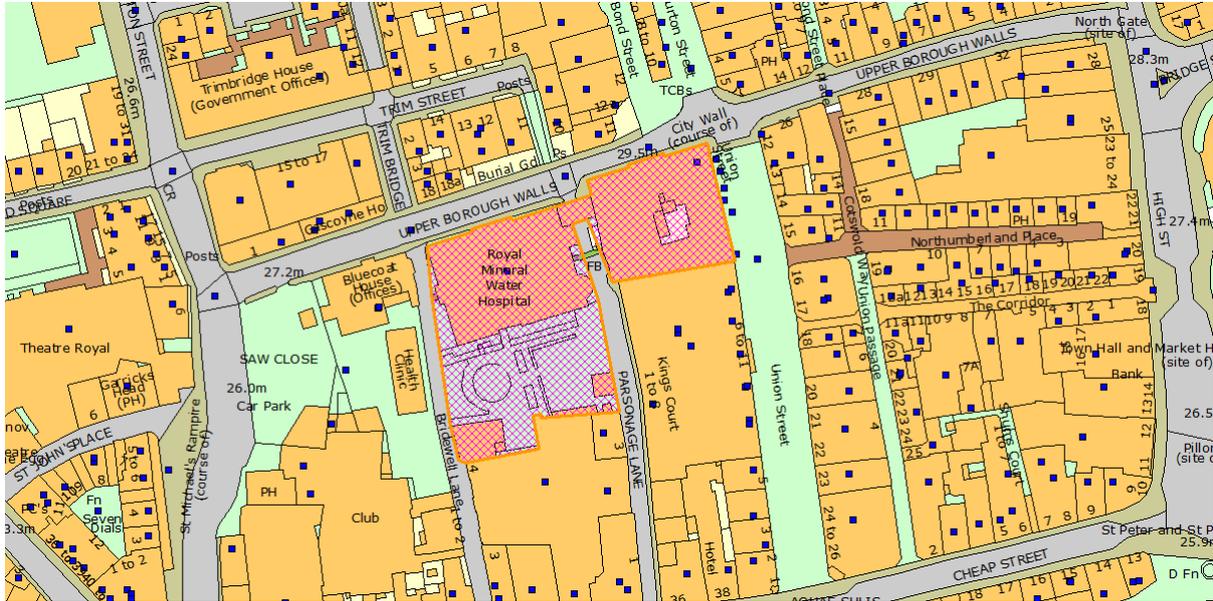
In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

5 Informative: Environmental Protection Act 1990 Under the environmental protection act 1990, the local authority has a duty to investigate complaints of nuisance and should a complaint be received, irrespective of planning consent, the local authority may on determination of a statutory nuisance serve a legal notice requiring any said nuisance to be abated and failure to comply may result in prosecution. Further advice may be sought from the local authority's environmental protection team on this matter where necessary.

Food premises Please be aware that all food business must be registered with the food safety team at Bath and North East Somerset Council at least 28 days prior to operation.

Noise and dust control from construction of development - informative All relevant precautions should be taken to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

Item No: 02
Application No: 19/04934/LBA
Site Location: Royal National Hospital For Rheumatic Diseases Upper Borough Walls City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** IISTAR
Ward Members: Councillor Sue Craig Councillor Andrew Furse
Application Type: Listed Building Consent (Alts/exts)
Proposal: Listed Building Consent: Internal and external alterations associated with proposed conversion to hotel (Use Class C1); demolition and replacement of modern infill extension, new glazed roof and new infill development of northern elevation to internal courtyard of East Wing; alterations to the roof of east and West Wings; removal of external staircase to West Wing and replacement with glazed link to new extension and replacement infill development; abutment of new glazed structure with West Wing chapel south wall; demolition and replacement of 3rd floor extension to West Wing and additional plant screen and lift overrun to West Wing roof; partial demolition of the boundary wall on Parsonage Lane; construction of replacement glass screen to main internal ground floor lobby of West Wing; changes to internal layout and consequential changes to internal partitions and other fabric.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,
Applicant: Frangrance UK (Bath) Ltd

Expiry Date: 31st August 2020

Case Officer: Tessa Hampden

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

REPORT

Reasons for referring the application to committee

This application has been called to committee by Councillor Furse. The Chair of the Committee has agreed that this should be dealt with by the committee due to the prominence and importance of this building. The application was deferred from August Planning Committee to allow Members to visit the site.

Site description and proposal

The former hospital is a Grade II* listed building located within the heart of the City of Bath Conservation Area, the World Heritage Site and within the defined city centre. The rear garden and parking area comprises a Scheduled Monument (Roman Bath and site of the roman town), and a number of the surrounding buildings are also listed.

The site is bound to the north by Upper Borough Walls; to the east by Union Street; to the south by Westgate Street and to the west by the pedestrianised Bridewell Lane. Parsonage Lane bisects the existing building and forms the eastern boundary of the garden/courtyard/parking/storage area. The NHS vacated the building on 20th December 2019 and the building is currently redundant

The hospital was originally planned, designed and constructed to provide access to treatment in the thermal waters of Bath for the 'sick poor from Britain and Ireland'. Royal Assent was given in 1830 for the mineral waters to be diverted into the hospital from the Kings Bath spring. The Mineral Water Hospital building complex is, therefore, a rare survival of a building devoted to providing medical treatment for the sick. It also forms an extremely important element within the wider setting that is the Bath Conservation Area City Centre Character Area and World Heritage Site. It is of national and international cultural and heritage significance.

The application seeks listed building consent for internal and external alterations associated with proposed conversion to hotel (Use Class C1); demolition and replacement of modern infill extension, new glazed roof and new infill development of northern elevation to internal courtyard of East Wing; alterations to the roof of east and West Wings; removal of external staircase to West Wing and replacement with glazed link to new extension and replacement infill development; abutment of new glazed structure with West Wing chapel south wall; demolition and replacement of 3rd floor extension to West Wing and additional plant screen and lift overrun to West Wing roof; partial demolition of the boundary wall on Parsonage Lane; construction of replacement glass screen to main internal ground floor lobby of West Wing; changes to internal layout and consequential changes to internal partitions and other fabric.

Revised plans have been submitted during the course of the application which have sought to respond to officer comments and third party representations. There is a parallel

planning application which seeks planning permission for the principle of the change of use and for the associated works including the extension.

Planning history

19/04933/FUL - Change of use from a hospital (Use Class D1) to a 164 -bedroom hotel (Use Class C1) and 66 sq m of restaurant/café (Use Class A3); to include publicly accessible restaurant, health spa, bar, lounge/meeting spaces at ground and first floor; external alterations to East Wing roof including removal of lift room and flu, demolition and replacement of roof top plant area and extension to existing pitched roof; demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area; removal of modern external staircase to rear of West Wing and replacement infill development and glazed link to new extension; demolition and replacement of 3rd storey extension to West Wing; alterations to the roof of West Wing including new lift shaft and plant screen; erection of 3.5-storey extension to rear of West Wing with glazed link/conservatory space; removal of two trees and replacement tree planting; landscaping and associated works.

19/04934/LBA - Pending consideration

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Conservation/Listed Building Officer - no objection subject to conditions. Whilst areas of harm have been identified, there are public benefits that are considered to outweigh this harm.

Urban design /sustainable construction- no comments received on revised plans but objection to the first iteration

Landscape Officer - not acceptable in the current form primarily due to the loss of the open space

Archaeological Officer - no objection subject to conditions

Historic England - The scheme presented would cause 'less than substantial' harm to the overall heritage significance of the Grade II* Royal National Hospital of Rheumatic Diseases, the Scheduled Ancient Monument, the surrounding Conservation Area and World Heritage Site. Historic England does not object to the scheme, we recognise that the level of harm being caused has been minimised as far as possible for a scheme of this nature. BANES Council must ensure that the harm is justified against the public benefit and the potential for alternative uses of the site (NPPF, Para 194 and 196).

Cllr Furse - Since the Mineral Hospital development is such a significant development in the city centre and of key public interest requests that regardless of the recommendation - that it be determined in public by the committee

Representations

Bath Preservation Trust -Support (with reservation re extension roof). Neutral opinion on the use of the building as a hotel and recognises the importance of finding a use for this building. Supportive of the attempted reduction in roof parameters, height and use of

vernacular materials and the increased incorporation of the garden space into the overall scheme. The Trust remain resistant to the proposed plant room on the roof.

A number of representations were recorded solely against the planning application, with 7 objections received to the listed building application. It is reasonable to presume that a number of representations covered both the planning application and listed building consent.

Federation of Bath Residents Association - concerns raised with regards to the day/sunlight assessment and the impact upon the neighbouring occupiers. The proposed rear extension is unappealing and necessary addition, and overloads the minimal space between the buildings. Questions raised on the suitability of the building for the hotel and the need for this use given existing supply. Concern with loss of trees.

Abbey Association - In relation to the first iteration, concerns raised with regards to residential amenity, loss of hospital use, loss of trees, impact upon Scheduled Ancient Monument, relies on vehicular access. In relation the revised plans, the improvements are noted.

The objection comments can be summarised as follows:

- Concerns in relation to loss of hospital in the centre
- Objection to a hotel when there is no need
- Other uses (including housing, community uses) are needed over the hotel use
- Increase traffic to centre
- Loss of trees
- Loss of green space
- Overdevelopment of the site
- Conflicts with the declaration of the climate emergency
- Impact upon residential amenity of the neighbouring occupiers (including privacy, outlook, light, noise)
- Inaccurate studies and plans
- Legal arguments as to why this application should not be permitted (Including lack of justification for the works and need for significant public benefits)
- Loss of open space between buildings
- Impact upon Scheduled Ancient monument
- Inappropriate design - including siting, scale and materials
- Impact upon listed building, Conservation Area and World Heritage Site.
- Increased noise and disturbance to the city.

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.

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

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

The 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

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:

- SD1 Presumption in favour of Sustainable Development
- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B2 Central Area Strategic Policy
- B4 World Heritage Site
- CP1 Retrofitting existing buildings
- CP2 Sustainable Construction
- CP3 Renewable Energy
- CP6 Environmental Quality

RELEVANT PLACEMAKING PLAN POLICIES

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

- D1 General Urban Design Principles
- D2 Local Character and Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D7 Infill and backland development
- D8 Lighting
- D10 Public Realm
- HE1 Historic Environment
- PCS8 Bath Hot Springs
- BD1 Bath design policy
- B4 The World Heritage Site and its setting

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

SUPPLEMENTARY PLANNING DOCUMENTS AND ADDITIONAL GUIDANCE

City of Bath World Heritage Site Setting SPD (2013)
Bath City-wide Character Appraisal SPD (2015)

Low Carbon and Sustainable Credentials:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The National Planning Framework explains that heritage assets are an invaluable resource and should be conserved in a manner appropriate to their significance so they can be enjoyed for their contribution to the quality of life of existing and future generations.

Significance of heritage assets affected

Paragraph 189 of the NPPF explains that Local Planning Authorities should require the applicant to describe the significance of the heritage assets affected, including any contribution made by their setting. The submission includes a thorough assessment of the significance of the heritage assets in relation to the proposals, and officers are satisfied that they have enough evidence on which to base their assessment.

In relation to former hospital, surviving internal features of particular significance include the Chapel's interior, the west wing staircase space, the remains of the earlier theatre building and stone vaulting, the Roman mosaic displayed in the floor of the west wing basement, the underground tunnels, the east wing top floor barrel vaulted ceilings and corbels, and decorative features such as fireplaces, cast iron columns, ceiling roses and cornices.

Part of the communal value of the hospital is derived from public access to the building, its status and importance within the city, and until recently its intrinsic connection to the hot springs of Bath, through the earlier use of the mineral waters in the hospital's baths for healing and other treatments. The conclusion of the Statement of Significance and Heritage Impact Statement clearly states that the Mineral Water Hospital can be deemed to be of high architectural, evidential, historic and communal value.

It also plays a significant role in the conservation area and is noted as a listed building of historic/townscape significance. The positive contribution played by its garden to the

public realm is also acknowledged. The conclusion of the Statement of Significance and Heritage Impact Statement clearly states that the Mineral Water Hospital can be deemed to be of high architectural, evidential, historic and communal value.

Conversion/ New Use;

As a redundant hospital there is the risk of neglect and decay if a sustainable use is not established. Where the original use is not possible and in ensuring such heritage assets remain used and valued, it is likely that changes/adaptations will be required to suit the new use. It is most unlikely that a hospital/medical use would be re-established as the buildings do not lend themselves to current medical practice.

Securing the optimum viable use for this building is essential to achieve a successful sustainable outcome for this site. Where a heritage asset is capable of having a new use, then securing its optimum viable use should be taken into account in assessing the public benefits of a proposed development. The submitted Viability and Suitability Statement prepared by Savills, explains that when the NHS sold the building, the majority of bids were for a hotel use. It sets out how the conversion of the building carries significant abnormal costs and risks. Alternative potential uses for the building, could, in their view, result in more harm to the heritage value of the site or not represent the optimum use. Most commercial or residential uses would be unlikely to include the level of public access, or ongoing heritage interpretation, proposed with a leisure/tourism use.

Where changes are proposed, it is necessary to ensure that the heritage asset is conserved, and where appropriate enhanced, in a manner that is consistent with its significance and thereby achieve a sustainable development. The National Planning Policy Guidance (NPPG) states that part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. Where the complete or partial loss of a heritage asset is justified, the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available.

A significant impact on the historic value of the hospital will be loss of the original use that it was designed for. This is an inevitable result of many conversions and one which will result in the loss of some of the building's historic and communal value. The applicants have proposed the interpretation of the building's heritage in its adaptive re-use as mitigation for this loss. Given that the building is not to be retained as a hospital, there is an opportunity through the current application to analyse, restore and interpret the Mineral Water Hospital's historical value, despite the likelihood of this re-use causing a degree of alteration, impacting on the current significance of its intrinsic character.

In this case although the hospital use would be lost, the buildings on the site would be retained and converted. As part of the balance in considering the change of use proposed have provided a degree of public access and prepared a Historic Interpretation Strategy. These are both detailed below.

Internal alterations

Following the NHS's departure from the building, internal investigations were undertaken. The investigations demonstrated that there is little historic decorative fabric and internal historic features of interest. The amount of original fabric, apart from in the layout /plan form of the wards has been greatly altered resulting in much of the interior having a low significance. There are however areas of the building which do have a high level of significance.

The best conserved part of the interior is the West Wing's reception hall and staircase area, the Chapel and the undercroft beneath it and the East Wing's Violet Ward and suite of rooms around the original front entrance, together with parts of the basement and upper rooms on the second floor. These are now to be retained in their original form as open spaces. The Violet Ward which is considered to be the best preserved of the hospital's wards being unaltered since the 18th century, is to be used as a single uninterrupted meeting space.

Investigations have revealed that the standing remains of what is thought to be the old theatre frontage that appears to have been partially encapsulated within the east wing's basement and performs the role as a corridor wall. This will also be preserved and unlike the current situation, the use of this part of the site as a spa will allow this interesting fragment of an earlier building to be publicly accessible.

There are still proposals to subdivide many of the original wards to form hotel bedrooms, but most of these wards have lost much of their original or subsequent features of interest that might equate to features of the original architecture. As a result, the actual size and proportions of the wards, although many have been subsequently compromised by modern partitions and dividing walls, will be predominantly altered into multiple hotel rooms. This will impact harmfully on the character of the hospital's interior.

The removal of false ceilings has revealed that the metal columns within some of the larger wards have utilitarian capitals and bases and were designed for structural support rather than architectural embellishment. As they were probably never intended to be completely visible within the wards, their concealment in any new proposals will not harm any significance.

The insertion of a second passenger lift alongside the current lift in the West Wing will necessitate a section of flooring to be removed at all levels. This will result in a degree of harm. However, this installation being adjacent to the existing lift will have little impact on any important element of the floor plan.

A further area of harm will result from the installation of new services and associated infrastructure. It is recognised that existing services have been damaging to the building's character. The conspicuous nature of existing electrical supplies lends a strong utilitarian character to many of the hospital corridors. This will be reversed, albeit the amount of new services, waste pipes and cabling will be greater than the current use has required.

Surveys of the windows and doors within the building have been undertaken revealing that there are two surviving original Georgian windows in the basement in the east wing, but much of the remaining fenestration is 20th century. Similarly, many of the doors have either been upgraded to fire doors or are later 20th century. It is understood that there is no current intention to replace the windows.

To facilitate the spa bedrooms, it is proposed to remove the existing louvered vents and replace them with windows to match the remainder of this elevation. This will be beneficial to the visual significance of the East Wing as this reinstates a lost historic feature and will add further vitality to the street.

The spa facility being reintroduced allows the hotel to offer services that reflect the forms of treatment that may have once been used in the hospital for patient treatments. The layout respects the current layout of rooms within the basement area, putting this utilitarian range of rooms and spaces to a use that will preserve much of its character. The innovative use of the inner courtyard in conjunction with the spa will add an additional level of enhancement to the overall spa facility.

Extension

The submission explains that to provide a hotel offer that would secure the long-term future of the Mineral Hospital, a garden building or extension is needed to be considered as part of the overall proposals. Whilst this has not been tested, officers must consider the scheme as submitted.

Through detailed negotiations, the extension has been amended during the application process. The extension will now comprise a 3 and a ½ story structure located against the south elevation of the west wing.

The extension will be constructed primary in the existing car park area and will cover a small section of the existing garden space. The City of Bath Character Appraisal explains that rear gardens such as this provide occasional areas of greenery visible from the public realm. It explains that the overdevelopment of private gardens can detract from the setting of the character area and of listed and unlisted buildings.

The Statement of Significance acknowledges that from at least 1610 to 1785, the site of the current West Wing and garden was a significant formal parterre garden. In the building of the West Wing in the mid-19th century, the site of the original formal garden was lost, with about three quarters of it replaced by the West Wing itself. After 1861, the current garden site and adjacent car park were again laid out as gardens and, whilst the eastern half has since been tarmacked for parking, the western half remained as garden.

This land has been partially eroded in terms of its character and contribution to the setting of the hospital and the Conservation Area by the formation of the car park. This lessens the significance of the space within the context of its origins and historic development. However, the development of this space would erode its role as a buffer between existing development, affecting the balance between built and spatial forms. This results in a degree of harm to the setting of the Listed Building, the Conservation Area and the World Heritage Site.

The retention of the garden and trees to the west of the site will ensure that the view from Bridewell Lane will retain the verdant character which has been identified as an important attribute. The garden areas will be re-landscaped as a small pleasure garden and will be accessible to the public using the hotel and restaurant. Whilst two trees are being removed to facilitate the extension, one large specimen tree and 5 smaller trees are being

planted. As noted above, there are some concerns with regards to the loss of the open space overall, but the development is not considered to represent the overdevelopment of the garden area.

It is noted that Historic England have raised some concerns with regards the water feature and that the infrastructure required for this will take away from the openness of the site. It is important that this openness at the rear of the hospital and the original intention of the space as an area for therapeutic activity remains legible. A revised landscaping scheme can be secured via condition to ensure the right approach is taken for this space.

The extension has been designed to read as a distinctly contemporary separate entity, linked to but set apart from the historic façade of the West Wing. Following the revisions to the scale and design, it is now considered to be subservient to the Mineral Hospital. Its scale now more successfully reflects that of an extension in this back-street location.

Concerns were raised by internal and external consultees in relation to the dominance of the extension on Parsonage Lane. As a result, the extension has now been set back above ground floor level at the east elevation to ensure that the views of the extension when approaching along Parsonage Lane are minimised. This also allows for the Chapel Apse, a significant element of the hospital's historic and architectural interest, to retain its prominence and importance in the street scene.

The main bedroom extension will be connected to the south elevation through a conservatory of a minimalistic design. The amendments to the glazed connection make for a less bulky visual aesthetic than the previous scheme and will allow a better visual awareness of the rear elevation of the hospital site.

It is noted that the roof of the extension will only be visible in limited views from the public realm. The introduction of a recessed mansard roof profile more successfully reflects the historic roofscape of this area and helps to break down the extension's massing through an improved differentiation between the roof and main element of the building. The combination of the set back and roof alteration will allow for a more harmonious street scene whereby the new block echoes the architectural form of the neighbouring properties at Parsonage Lane. The addition of upstands around the plant area to mimic a row of chimneys and the installation of more traditional looking dormer windows on two elevations also help to improve the visual quality of the extension in views around the site, including views from the existing hospital's West Wing.

The use of traditional materials such as Bath stone ashlar and split faced Bath stone blends with the existing texture and colour palette of Parsonage Lane's backland character and the surrounding listed buildings. The materials are subservient to the hospital and more responsive to the backlands of the adjacent Lanes. The use of a grey metal will ensure the new form integrate into the city's roofscape.

Overall, whilst there is accepted to be a degree of harm to the setting of the listed building, Conservation Area and World Heritage Site through the loss of the open space to the rear, the quality of this space is already partly eroded. This harm will be considered alongside any all harm, when balancing against the public benefits. However, notwithstanding this, the overall scale, design and materials used are considered to result in an acceptable addition to this former hospital building.

External works - west wing roof

The proposals include the remodelling of the 20th Century top floor of the west block. During the application process this has been amended by decreasing the windows size to ensure that it is more in keeping with Georgian proportionality. This is betterment on the existing situation and a conservation gain. The material will be clad in a grey metal, and whilst this is a more contemporary material, its tone will ensure that the roof integrates the roofscape of the city

The proposal also comprises re-opening the entrance to the East Wing on Upper Borough Walls, the reinstatement of basement windows fronting Upper Borough Walls, new gate opening and railings and hoist to light well to West Wing on Parsonage Lane. There are no objections to these works.

Public benefits

It is necessary to consider other elements of the overall scheme that may represent public benefits, where these public benefits relate to the listed building.

Improvements to the public realm

Indicative drawings show improvements to the public realm at Parsonage Lane. Parsonage Lane currently has a predominantly tarmac finish with granite kerbs. The tarmac is patchy and in poor condition. Some of the paving slabs close to Upper Borough Walls are broken or loose.

The proposals illustrate upgrading the footpath and carriageway stretch between Upper Borough Walls and the mouth of the proposed conservatory entrance from tarmac to stone flag paving and stone block along. In addition, a section of the lane extending from the proposed entrance to the end of the developments southern boundary is identified for resurfacing with new tarmac. The existing black heritage metal railings are to be retained and repaired.

Whilst these works are indicative at this stage, these details indicate that the applicants are committed to providing public realm improvements. This would be a major improvement to the immediate public realm. In terms of the impact on the character and appearance of the Conservation Area together with the setting of the listed buildings that front onto this part of Parsonage Lane, this would result in a positive enhancement to the public realm.

Public access

Public access to the building is of paramount importance and the uses allow for this. A spa is to be provided in the basement of East Wing to include public access/spa arrival off Upper Borough Walls. The public would also have access to the juice bar, the restaurant in the Chapel and the Violet Ward will be available for external hire. The rear garden will be accessible by users of the hotel and restaurant.

The applicant has also agreed to an obligation attached to any permission that will ensure that the future occupiers must allow a minimum number of heritage open days per year when the building will be accessible for guided tours, facilitated by an identified 'Heritage Coordinator' employed by the hotel operator. Whilst this will be secured through the planning application, the benefits are linked to the listed building application, and the cultural significance of the listed building.

Fixtures and Fittings

Artefacts including paintings, depicting the planning and conception of the hospital, the 1742 clock and effigies of various influential Georgian figures who were involved in the hospital's foundation form an important part of the history of the former hospital.

The most recent historical interpretation strategy has been modified to include an accurate inventory of all the artwork that has been removed from the hospital and where it is now housed. Not only is this an important documentary record of these important artefacts, it should also help in the future to provide the basis for possible reunification of some of the pictures and other items such as the clock back into the site

Although reuniting of these items with the hospital depends on the applicants and the NHS Trust coming to an agreed arrangement that is outside the control of these applications, by including a list of items within the historic interpretation strategy, this will at least give the public an understanding of what artefacts were once housed within the hospital and may strengthen any resolve to reunite them in the future.

Historic Interpretation Strategy (HIS)

The submission includes a draft HIS. This has been prepared to secure measures that will make a meaningful contribution to the historic interpretation of the Mineral Hospital, for the benefit of the public in the future. The submission explains that the aim of the document is to celebrate and interpret those historic features that remain in the building and to interpret and present the rich history of the hospital.

It explains that a key mechanism for delivering on site interpretation will be the use of digital technology which may include interactive wallpaper. This allows images to be shared such as paintings, artefacts, and display of information on smartphones. It also confirms that physical objects of historic significance could be displayed in a number of key locations around the hospital. An interior design brief is included in the documents

The HIS also details matters such as public access, and connection to spa waters as detailed above. Further, as highlighted, the HIS contains an inventory of the fixtures and fittings removed from the building and details of how these may be used in the future.

The HIS also covers off site interpretations and explains that the applicant's team have been in discussions with external bodies to ensure that heritage offer at the Mineral Hospital is joined up with other museums. One partner that has been explored is the Bath Medical Museum (BMM), who previously were based in the Mineral Hospital. It is noted that the BMM have difficulties in funding long term accommodation, and this is outside the control of this application. However, it is noted that BMM are currently developing their website to provide enhanced content on the city's medical history, and it is considered that

this could link closely with the HIS and this may include a financial contribution to assist in the development.

The aims of this strategy can be secured via S106 which would be attached to the associated planning permission if granted. However, the benefits of this is directly linked to the listed building considerations.

Conclusion on heritage matters

The above section of the report highlights areas of harm, as well as public benefits brought about by the proposals.

Harm has been identified due to the change of use of the building, through the loss of its original use and links to the hot springs. There is some harm from the change in plan forms as well as loss of historic fabric. The extension itself causes a degree of harm due to the erosion of space to the rear and the connection to the south elevation and the setting of the hospital.

In the language of the Framework, the overall harm to the listed building and the setting of the listed building, is considered to be less than substantial. In line with the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposals, including where appropriate, securing its optimum viable use.

When considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification. Officers have sought to minimise the harm where possible and have placed significant importance on the designated assets conservation.

Within the above section of the report, it has been explained that a number of public benefits could be delivered through the scheme. The NPPG advises that public benefits may be anything that delivers economic, social or environmental progress as described in the NPPF but it must flow from the proposed development 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. It also recognises that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as reducing or removing risks to a heritage asset and/or securing its optimum viable use in support of its long-term conservation. It is considered that this scheme will achieve a new use for this building which is now vacant with the new investment and use ensuring that the building does not remain empty putting the heritage asset at risk. It is considered that the hotel use will allow public access to the building which is considered to be of high importance. Through measures outlined within the submission including the HIS, the public will be able to have a continued understanding of the history of the building, and a better appreciation of assets such as the Roman Mosaics which will be located in publicly accessible parts of the building.

Further benefits include improvements to Parsonage Lane and active uses to Upper Borough Walls, heritage gains through removing late 20th century detrimental fabric from the hospitals interior, restoring and maintaining the more significant rooms within the buildings and improvements to the roof of the west wing

Paragraphs 193 and 194 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the level of harm, and that any harm should require clear and convincing justification. It is therefore important to understand that considerable importance and weight must be given to the conservation of the heritage asset when carrying out the balancing exercise.

The aforementioned public benefits weigh heavily in favour of the application, but this need to be considered against the fact that great weight must be given to the assets conservation, and this is of paramount importance given the significance of the assets involved. Overall, set alongside the level of harm identified to the significance of the designated heritage assets, these public benefits provide clear and convincing justification and are sufficient to indicate that the proposal would be acceptable.

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. Significant attention has been given to ensure that this duty under Section 16 of the Act is fulfilled. Detailed negotiations have been undertaken to ensure that any harm to the listed building and its setting is minimised and the enhancements maximised.

In conclusion, the proposal would provide sufficient public benefits to outweigh the harm to significance of the identified assets. Therefore, the proposal would accord with NPPF paragraphs 193, 194 and 196 and Sections 16(2) of the Listed Building and Conservation Area Act. The proposal would also accord with Policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 which, amongst other things, requires the significance of listed buildings to be sustained and enhanced and any harm to be justified.

It is therefore recommended that listed building consent is granted.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Contract for Redevelopment (Pre-commencement)

Works for the demolition of part of the existing buildings shall not commence until a valid contract for the redevelopment of the site, in accordance with a valid planning permission, has been let, or details of temporary treatment of the site and buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include a programme for carrying out such treatment, which shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan

3 Archaeology - Historic Building Recording (Pre-commencement)

No development or demolition shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the East Wing, West Wing and Lodge which are to be demolished, disturbed or concealed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

4 Protecting Architectural Features (Pre-commencement)

No development shall commence until detailed drawings identifying the architectural features which are to be retained and the method by which these features will be safeguarded during the carrying out of the approved development have been submitted to and approved in writing by the Local Planning Authority. The approved protective measures shall be implemented and kept in place in accordance with the details so approved for the duration of the development works.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan. This is a pre commencement condition as any works may harm retained features.

5 Stripping Out Phase (Pre-commencement)

No development shall commence until detailed asbestos and lead paint surveys have been submitted to and approved in writing by the Local Planning Authority. In addition detailed drawings setting out the precise level of demolition and fabric removal from the chapel and its annex in the West Wing and the inner courtyard of the East Wing shall be submitted to and approved in writing by the Local Planning Authority. This should include a programme and method statement for the stripping out works setting out how historic fabric will be preserved during the process.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan. This is a pre commencement condition as any of the above works may harm historic fabric if not controlled.

6 Investigation of cementitious render to wall and vaults (Pre-commencement)

Prior to the development commencing a completed report on the investigation into the existing cementitious render on the walls to parts of the hospital building has been submitted to the LPA. This report should include, if appropriate, a methodology for the render removal and any subsequent replacement with plaster or mortars which shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan. This is a pre commencement condition as any works may harm historic fabric.

7 Schedule of Repairs (Bespoke Trigger)

Following the stripping out and removal of fabric within the existing buildings; in accordance with the approved method and prior to any further works being undertaken a detailed schedule of any repair work, including methods and materials and any structural engineering reports to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

8 Scaffolding details (Bespoke Trigger)

If the works of the proposal contained within the application require access scaffolding to be erected none of the scaffolding shall be physically tied using anchor ties or bolts unless details including subsequent repair specifications are submitted to and approved by the Local Planning Authority prior to the erection of any scaffolding. Once approved the scaffolding shall be erected, removed and the building repaired in accordance with the approved details.

Reason: Physically tied scaffolding can cause significant damage to a listed building and should be avoided to safeguard the character and appearance of the building in accordance with Policy HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

9 Stone Cleaning Sample (Pre-commencement)

No work shall commence on the stone cleaning of the existing buildings; until a sample panel has been provided in-situ to establish the final parameters of the stone cleaning and approved in writing by the Local Planning Authority. The approved panel shall be kept on

site for reference until the development is completed. Thereafter the work shall only be carried out in accordance with the approved sample panel.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

10 Stone repairs and Mortar Mix (Bespoke Trigger)

No masonry repairs or re-pointing shall be carried out until a report setting out detailed plans, repair methodology and a specification for the stone, mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have been provided in situ for inspection and retained for reference until the work has been completed. The report shall be submitted for approval in writing by the Local Planning Authority. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

11 Sample Panel - Walling for new bedroom block(Bespoke Trigger)

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

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

12 Materials - Submission of Schedule and Samples for reinstatement of main elevation to West Wing following demolition of stair tower (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

13 Joinery Details (Bespoke Trigger)

No repairs or adaptations of the existing windows and doors; shall commence until full details comprising a detailed schedule including methodology of repairs and details of any safety/protective/secondary glazing measures; have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

14 Joinery Details (Bespoke Trigger)

No installation of the proposed basement windows in the East Wing; shall commence until full details comprising 1:10 drawing including details of any safety/protective measures; have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

15 Flooring Details (Bespoke Trigger)

Following the removal of floor coverings and any other wall or ceiling coverings, treatment of the exposed historic fabric is to be approved in writing with the Local Planning Authority, including submission of any required drawings, which shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the historic fabric, character and appearance of the listed buildings and in the interests of the appearance of the development and the surrounding area in accordance with Policies HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

16 Fireplace Details (Bespoke Trigger)

No reinstatement of original fireplaces and surrounds ; shall commence until full details comprising 1:10 drawing including details of any repairs; have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

17 New Service details (Bespoke Trigger)

Prior to above ground works commencing, no works shall start until further large scale plans of all new electric services, water and waste systems and routes, fire alarms and sprinkler systems and mechanical ventilation infrastructure are submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the historic fabric, character and appearance of the listed buildings and in the interests of the appearance of the development and the surrounding area in accordance with Policies HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

18 Special Feature Details (Bespoke Trigger)

Prior to above ground works commencing, no works shall start on the following items until full details of their treatment and repair are submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details;

- o The principal staircase, balustrade, and landing area in the West Wing.
- o The staircase within the lodge.
- o The Chapel walls, ceiling, floor and the apse including the stained glass windows
- o The new front entrance door and surround to the East Wing.
- o Further details of the glazed conservatory link on the rear elevation, including detailed 1:10 drawings of the proposed frame and glazing system and the method of attachment to the West Wing with specific details of the treatment of the balcony within the new extension.
- o All standing boundary walls surrounding the perimeter of the development site.
- o The method for treating the existing balcony on the rear elevation of the West Wing.
- o Positions of and design details for all new ducting, vents, vent covers and grilles, including kitchen ducting, where not specifically shown on the approved plans.
- o The glazed front light-wells.
- o The inner courtyard glazed roof structure to the East Wing and how this will be supported and fixed to the existing building.
- o All typical new internal and external joinery, including a colour schedule.
- o Treatment & appearance of any safety barriers and protective devices around the Roman mosaics

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

19 Installation of lighting (Bespoke Trigger)

Prior to the installation of any external lighting details shall be submitted for the approval in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved detail.

Reason: To safeguard the character and appearance of the listed building and the Conservation Area in the interests of the appearance of the development and the surrounding area in accordance with Policies HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

20 Plans List (Compliance)

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

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

PLANS LIST:

1

2 Condition Categories

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

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

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

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

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

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

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

3 Permit/Consent Decision Making Statement

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

4 Community Infrastructure Levy

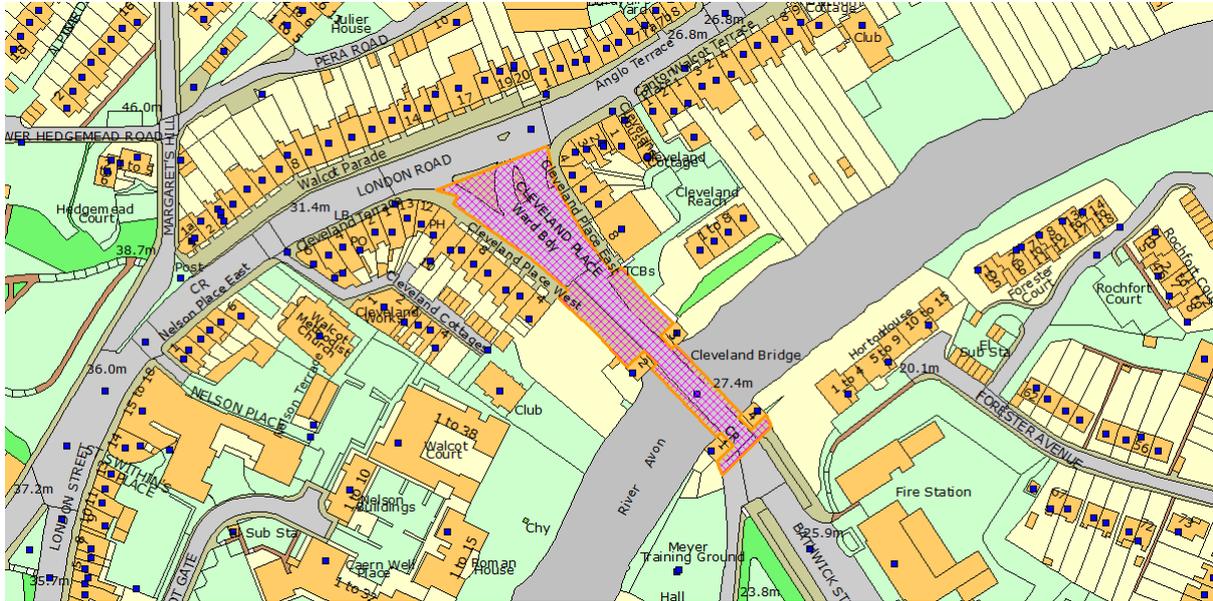
You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

0 12 Jun 2020 LL 351 002 REV B COURTYARD LAYOUT AND SECTIONS
12 Jun 2020 LL-351-001 REV E LANDSCAPE LAYOUT
11 Jun 2020 02001 PL05 PROPOSED ELEVATION - EAST AND WEST WING
11 Jun 2020 02002 PL05 PROPOSED ELEVATION - WEST WING
11 Jun 2020 10007 PL05 PROPOSED ROOF PLAN
11 Jun 2020 20004 PL05 PROPOSED ELEVATIONS - EXTENSION FACADE
DETAIL

11 Jun 2020	20101 PL05	PROPOSED DETAIL ELEVATIONS - NORTH EAST
11 Jun 2020	20102 PL05	PROPOSED DETAIL ELEVATIONS - SOUTH WEST
11 Jun 2020	30301 PL05	PROPOSED EXTENSION SECTION
11 Jun 2020	30402 PL05	PRIVACY LOUVRES
05 Jun 2020	02003 PL01	PROPOSED ELEVATION EAST WING
04 Jun 2020	10001 PL03	PROPOSED BASEMENT FLOOR PLAN
04 Jun 2020	10002 PL03	PROPOSED GROUND FLOOR PLAN
04 Jun 2020	10003 PL04	PROPOSED MEZZANINE FLOOR PLAN
04 Jun 2020	10004 PL04	PROPOSED FIRST FLOOR PLAN
04 Jun 2020	10005 PL04	PROPOSED SECOND FLOOR PLAN
04 Jun 2020	10006 PL04	PROPOSED THIRD FLOOR PLAN
04 Jun 2020	12001 PL02	TYPICAL WINDOW, WALL AND COLUMN DETAILS
04 Jun 2020	13006 PL03	PROPOSED BASEMENT LIGHTWELL WORKS
04 Jun 2020	13012 PL02	PROPOSED LIGHTWELL AND WINDOW
04 Jun 2020	30403 PL04	STREET CONTEXT SECTIONS
31 Mar 2020	02004 PL02	PROPOSED & EXISTING COURTYARD ELEVATION
31 Mar 2020	12011 PL02	PROPOSED LIFT SHAFT OPENING TYPICAL DETAIL
31 Mar 2020	12013 PL02	PROPOSED SERVICE RISERS (WEST WING)
31 Mar 2020	12012 PL02	PROPOSED RISER REINSTATED (EAST WING)
31 Mar 2020	12014 PL02	PROPOSED RECONSTRUCTION OF SOUTH RANGE
31 Mar 2020	12016 PL02	NEW LINK RELATED ALTERATIONS 1 OF 2
31 Mar 2020	12017 PL02	NEW LINK RELATED ALTERATIONS 2 OF 2
31 Mar 2020	13002 PL02	PROPOSED RAISED FLOOR (BASEMENT)
31 Mar 2020	18002 PL02	TYPICAL ELEVATION NEW CLADDING PROPOSALS
31 Mar 2020	30302 PL02	PROPOSED SECTION - WEST WING COURTYARD
31 Mar 2020	D1001 PL02	DEMOLITION PLAN BASEMENT FLOOR
31 Mar 2020	D1002 PL02	DEMOLITION PLAN GROUND FLOOR
31 Mar 2020	D1003 PL02	DEMOLITION PLAN MEZZANINE FLOOR
31 Mar 2020	D1004 PL02	DEMOLITION PLAN FIRST FLOOR
31 Mar 2020	D1005 PL02	DEMOLITION PLAN SECOND FLOOR
31 Mar 2020	D1006 PL02	DEMOLITION PLAN THIRD FLOOR
31 Mar 2020	D1007 PL02	DEMOLITION PLAN ROOF
31 Mar 2020		WINDOWS AND DOORS SCHEDULE
13 Nov 2019	1000	EXISTING BASEMENT FLOOR PLAN
13 Nov 2019	1001	EXISTING GROUND FLOOR PLAN
13 Nov 2019	1002	EXISTING MEZZANINE FLOOR PLAN
13 Nov 2019	1003	EXISTING FIRST FLOOR PLAN
13 Nov 2019	1004	EXISTING SECOND FLOOR PLAN
13 Nov 2019	1005	EXISTING THIRD FLOOR PLAN
13 Nov 2019	10058	EXISTING SITE PLAN
13 Nov 2019	13001	PROPOSED GLAZED BALUSTRADE SURROUNDING MOSAIC
13 Nov 2019	13005	PROPOSED REINSTATED FIREPLACE AND WALL INFILL
13 Nov 2019	13007	PROPOSED STEEL STAIR AND LIFT
13 Nov 2019	13011	PROPOSED MINERAL WATER POOL AND GLAZED ROOF
13 Nov 2019	14001	PROPOSED ARCHED GLAZED SCREENS AND DOORS
13 Nov 2019	14002	PROPOSED ENTRY DOOR
13 Nov 2019	14005	PROPOSED ACCESSIBILITY MODIFICATIONS
13 Nov 2019	14008	PROPOSED MODIFICATIONS TO APSE
13 Nov 2019	14013	PROPOSED POOL INFILL AND FLOOR WORKS
13 Nov 2019	15002	PROPOSED WORKS WITHIN CHAPEL VAULTS

13 Nov 2019	16001	PROPOSED OPENINGS IN FIRE RATED WALL
13 Nov 2019	17006	KINGS WARD POD BEDROOM
13 Nov 2019	2000	EXISTING BASEMENT FLOOR PLAN
13 Nov 2019	2001	EXISTING GROUND FLOOR PLAN
13 Nov 2019	2002	EXISTING FIRST FLOOR PLAN
13 Nov 2019	2003	EXISTING SECOND FLOOR PLAN
13 Nov 2019	3000	EXISTING ANNEX PANS AND ELEVATIONS
13 Nov 2019	E2001	EXISTING ELEVATION EAST WING WEST WING
13 Nov 2019	E2002	EXISTING ELEVATION WEST WING
13 Nov 2019	E2003	EXISTING ELEVATION EAST WING
13 Nov 2019	1000	SITE LOCATION PLAN

Item No: 03
Application No: 20/01893/LBA
Site Location: Cleveland Bridge Cleveland Bridge Bathwick Bath Bath And North East Somerset



Ward: Bathwick **Parish:** N/A **LB Grade:** IISTAR
Ward Members: Councillor Dr Kumar Councillor Manda Rigby
Application Type: Listed Building Consent (Alts/exts)
Proposal: The refurbishment, repair and strengthening of a Grade II* listed structure.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 1,2,3a, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, 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 NE3 SNCI, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: WSP
Expiry Date: 2nd September 2020
Case Officer: Caroline Power
To view the case click on the link [here](#).

REPORT

Ward: Bathwick & Walcot. Parish: N/A LB Grade: IISTAR
Ward Members: Councillor Dr Kumar, Councillor Manda Rigby, Councillor Tom Davies, Councillor Richard Samuel.

Application Type: Listed Building Consent (Alts/exts)

Proposal: The refurbishment, repair and strengthening of a Grade II* listed structure.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 1,2,3a, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, 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 NE3 SNCI, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: WSP

Expiry Date: 2nd September 2020

Case Officer: Caroline Power

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The Director of Development and Public Protection has called the application to Committee.

This application was deferred from the previous committee to allow Members to undertake a site visit and to provide further information.

DESCRIPTION OF SITE AND APPLICATION:

The proposal is to repair and redecorate Cleveland Bridge. The bridge is grade II* and is located within the conservation area and World Heritage Site. The busy vehicular route for the A36 is carried over the bridge, connecting the eastern side of Bath across the River Avon. The bridge is also an important architectural structure within Bath's river-scape. The River Avon is designated as the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC), and an ecological assessment of the site is therefore necessary.

At each of the four corners of this bridge are toll houses that provide residential accommodation. This is an important aspect of the bridge's significance as a heritage asset. As such the protection of the toll houses from the proposed bridge works needs to be considered as part of this application.

This is a listed building application. It has been submitted under Planning (Listed Buildings and Conservation Areas) Act 1990. However, any further proposed changes to weight restriction on the bridge or wider traffic routing associated with the proposed repairs to the bridge fall to the Council as Local Highway Authority to consider. Such matters are not appropriate for consideration under this application.

The works include;

- o repairs and reinforcement to the bridge deck slabs
- o repairs and reinforcement to the concrete structural elements supporting the bridge
- o repairs and reinforcement to the masonry abutments;
- o waterproofing under the road and pavement areas and installing protective coating systems.
- o repairs and redecorating the cast iron historic balustrade and arch structure.
- o the cleaning of the bridge including the stone abutments and iron elements.
- o erection of a temporary scaffold to allow access for the repairs required.

- o Alterations to the kerb at pavement level are required due to a design fault in terms of drainage, together with extending the kerb in front of the lodges, to protect the buildings from future damage.
- o Installation of new bird nesting prevention mesh.

PLANNING HISTORY:

DC - 98/00202/LBA - CON - 11 June 1998 - Internal alterations to Lodges 1, 3 and 4.

DC- 98/00248/FUL -PER- 20 May 1998- Change of use from studio (Use class D1) to Residential (Use class C3) to 4 Cleveland Bridge.

DC-13/04715/LBA- CON- 20 January 2014- Internal work to facilitate conversion of store to en-suite shower and WC to Bridge House, 4 Cleveland Bridge,

DC - 19/05077/LBA - WD - 24 March 2020- Refurbishment of the full structure on a like for like basis. Works comprise concrete repair, steel repair, repainting, cleaning, waterproofing, joint installation, resurfacing and updating of street furniture. The deck slab will be strengthened.

DC - 20/01893/LBA - PDE - - The refurbishment, repair and strengthening of a Grade II* listed structure.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Internal Responses;

Ecology; No Objections subject to conditions; The ecological survey which has been completed is welcomed and is sufficient to inform the application. Conditions should be attached for a Construction Environmental Management Plan (CEMP) and compliance report. The CEMP will need to include details of any temporary construction lighting and detailed measures in relation to nesting birds.

Highways; Highway Development Control (HDC) officers acknowledge that the application is for listed building permission only and has been made under the Planning (Listed Buildings and Conservation Areas) Act 1990 and that there is no accompanying planning application made under the Planning Act 1990. Discussions with senior management colleagues have concluded that the highway issues associated with undertaking the works will be considered and addressed by the Local Highway Authority (LHA) in due course, therefore HDC officers raise no highway objection to the listed building works.

Public Rights of Way; No Objections; The location of public footpath BC55/19 is shown on the map below. It does not appear to be affected by the proposal.

Flooding and Drainage; No Objections- Any temporary works will need to include provision for surface water drainage so that it does not impact on neighbouring roads.

Councillor Manda Rigby- I would like this application to come to committee for the same reasons as the previous application was coming to committee. Previous Comments were; As this is a prominent listed historic structure within my ward, I am concerned that any structural changes may damage the original authenticity of the bridge, and further encourage heavy traffic. Like for like repairs may give short term gains but will not stand up to its new usage rather than the purpose it was originally designed for. As this is such a high-profile application, I think it should be determined in a public arena and am therefore asking for it to come to committee.

External Responses;

Historic England; The material alterations to this Grade II* listed bridge will cause minimal harm to the overall heritage significance of the asset; focussing primarily on repairs to historic fabric and alterations to modern elements. We would therefore recommend that this aspect of the application is thoroughly assessed by BANES Conservation Team in co-ordination with the appropriate Highways Agency. We also suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. It should be noted that Historic England have issued a further letter dated the 5/8/2020 that retracts their previous statement regarding weight limits on the bridge

Wales & West Utilities- Gas pipes owned by other GT's and also privately owned may be present in this area. You must not build over any of our plant or enclose our apparatus.

Letters from Local Residents; 49 letters of Objection have been received including;

- Pulteney Estate Residents' Association.
- Cleveland Reach Management Co Ltd.
- Federation of Bath Residents Association;

The main points of their concerns are set out below;

1. In the weeks before the coronavirus lockdown, the temporary HGV weight limit on Cleveland Bridge dramatically reduced HGV traffic, resulting in a transformation of London Road and Bathwick Street. Traffic flowed much more freely. Air quality was substantially improved. Noise and vibration was greatly reduced, with particular benefit in the early morning when many HGVs travel and the impact is magnified by the lower levels of background noise. The relentless noise from the 'normal' level of traffic disrupts residents' sleep and poses a threat to mental and physical health, due to the close proximity to the roadside of some 1,500 properties. Many of these are Listed Buildings, where insulation against pollution and noise is difficult or impossible.

2. A permanent HGV weight limit should be imposed on Cleveland Bridge after the completion of the works. As well as benefitting the immediate area, this is essential to enable traffic to be reduced throughout Bath, including the historic core of the World Heritage Site, and to facilitate the introduction of Low Traffic Neighbourhoods. We have recently made proposals to B&NES Council leadership on this issue.

3. A permanent HGV weight limit would reduce the risk of damage to the bridge in the future. The Council should consider whether the scope of the planned repair work could be reduced if a permanent weight limit was put in place, reducing the repair costs and whole-life costs and lessening inconvenience during the period of the works. Refurbishment work should be limited to what is necessary for conservation of the bridge.

4. The Design and Access Statement betrays confused thinking about the significance of Cleveland Bridge in the national road system. Paragraph 4 of the Design and Access Statement states that: "The structure connects London Road to Cleveland Place. The A36 is a trunk road and primary route in southwest England that links the port city of Southampton to the city of Bath. At Bath, the A36 connects with the A4 road to Bristol, thus providing a road link between the major ports of Southampton and Bristol." In fact, traffic from Southampton to Bristol, if it comes through Bath, does not use Cleveland Bridge; it uses the A36/Lower Bristol Road to connect to the A4 west to Bristol. Bath itself

is not a major destination for goods from the port of Southampton. The statement also ignores the existence of the M3-A34-M4-M5 as a much more suitable and faster route for HGV traffic between the ports of Southampton and Bristol (and Wales and the West Midlands). North-south HGV traffic from the M4 is significant, but there are more suitable alternative routes such as the A350 or A34.

5. Cleveland Bridge is not part of the national Strategic Route Network (SRN) and is therefore under B&NES's control. The SRN does however run from the M4 down the A46 to Bath and the A36 south east from Bath to Warminster, so in effect passes through the city at this point. This route is all single-carriageway, and the only part of the network which takes traffic through a conurbation without either a ring road, bypass or dual carriageway.

6. B&NES Council should discuss with DfT the replacement of this part of the SRN by a more suitable alternative route, in line with the statement in the Local Plan that "The Council will work with neighbouring authorities, including Wiltshire Council, to address the problem of through traffic in Bath, particularly traffic that currently uses the A36-A46 route through the city and continue to press Highways England and Transport Ministers to take steps for solutions to be identified and funded in the next Road Investment Strategy to be published in 2020." (PMP Part 1, page 192, paragraph 582)

7. We understand that the Council as Highway Authority will address separately the arrangements for traffic diversion during the period the bridge is closed for repairs, so we will not comment on this in detail. However, it is an extremely important issue, and we must point out that the diversion of LGVs and cars through the city centre as proposed under the previous plan would have a major and unacceptable impact on the amenity and air quality of the area. The Council should direct all traffic to use diversion routes which avoid the city altogether (as for HGVs). It is also essential that the HGV weight limit through the city centre is rigorously enforced for the duration of the bridge closure to prevent the use of the city centre by large numbers of heavy lorries.

8. The submission asserts that the proposed works are required for "long-term conservation", "to support the ongoing safe use of the bridge" and "to conserve and enhance the heritage significance of the asset." These correctly apply to like-for-like repairs, but do not apply to the addition of a new layer to enable re-introduction of 40t traffic, which poses a threat to all three of these considerations.

9. The scheme to strengthen the bridge for 40t use is not proposed for the public benefit; on the contrary, it would harm not only the heritage asset and its setting but also the health and quality of life of residential communities, tourism, the local economy and the environment. These considerations - which rightly underpin local and regional strategies for reducing congestion, improving public transport and air quality, encouraging pedestrians and cyclists, and addressing public concern over the environment and climate change - should be integral to the assessment of this scheme. Sustainability - "meeting the needs of the present without compromising the ability of future generations to meet their own needs" - must be at the core of any acceptable repair scheme. The strengthening of the bridge to welcome heavy traffic does not provide public benefit, is not sustainable, and would compromise any subsequent efforts to provide a sustainable future for the bridge and its setting.

Other objections can be summarised as follows;

1. The traffic noise during both the day and night has greatly reduced. Late and overnight traffic noise from engines has provided peaceful nights devoid of the not infrequent roar of large engines and the sudden sound of air brakes being engaged.

2. The pollution has been greatly reduced removing poison from the air which damages the young and old in equal measure.

3. Removal of the heavy vehicles has speeded up the traffic flow greatly reducing pollution from crawling heavy lorries.

4. Traffic rumble and long-term damage to houses and vaults has been reduced.

5. Damage to the old toll bridge by dirty diesel fumes has been reduced and provided an opportunity for the council to clean the stonework and enable such conservation work to last much longer. The drains on the bridge pavements - never cleaned out to my knowledge - might also benefit from cleaning along with repainting and replacement of damages and rusted rose decorations encouraging visitors currently put off by the relentless and huge vehicles crawling over the river.

6. The Lib Dem's promised a Green Agenda and this is another opportunity to prove they are serious and can get traffic out of central Bath and its environs instead of planning for more car parking space in the city centre which would only serve to replace lorry traffic with more privately owned cars.

7. The bridge repair must be made without damaging the look, style and the structure as seen from the river in passing tourist boats.

8. This bridge, with its toll houses and parapet is one of Bath's historical treasures and deserves to be preserved and protected. The enthusiasm Bath planners have for forgetting that Bath lives and dies by its 5,000,000 tourists who come to see our UNESCO protected city with its open spaces and vistas needs urgently addressing. Planners need to see the whole environment and protect it rather than look through a telescope at each building and open space as if it exists in isolation from the Palladian gem of Georgian buildings and distant views as described in the UNESCO recognition of Bath's unique heritage. Any work on the structure should be repaired authentically and not by the cheap and cheerful addition of a raft of steel girders propping it up underneath.

2 no. further letters from Pulteney Estate Residents Association (PERA) maintaining their concerns regarding this project and the rebuttal response from the applicants to the consultation response from Historic England. It should be noted that Historic England have issued a further letter dated the 5/8/2020 that retracts their previous statement regarding weight limits on the bridge. Much of their concern relates to Highways matters that do not form part of this applications proposals which are for physical repairs and alterations to the bridge structure. There is no legal requirement to assess the longevity of the proposed repairs. As no harm has been identified to the bridge from this proposal, there are no public benefits that need to be weighed up in this instance. Reports, including the Principal Inspection Report of February 2020 by WPS, that were not submitted as part

of the application, are background documents that were used to inform the rational for the final application submission.

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:

- CP6 - Environmental quality
- B4 - The World Heritage Site
- CP1 Retrofitting Existing Buildings
- CP2 Sustainable Construction

Placemaking Plan:

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

D1, D2, D3, D4, D5, D8, D9 and D10- High Quality Design.

HE1 Historic Environment

NE2 Conserving and Enhancing the Landscape and Landscape Character

CP1 Retrofitting existing buildings

CP2 Sustainable construction

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PROPOSALS;

This application relates to proposed works to address a series of defects to the bridge, identified during inspections undertaken in 2014. It is identical to the application submitted under 19/05077/LBA that was subsequently Withdrawn earlier this year.

The works are proposed to be phased into two parts- the first being the erection of underslung scaffolding to enable close inspections of the areas under the bridge that are not readily accessible and establish a more precise and detailed programme of works and the second phase, intended to start in 2021, is for the main works.

MATTERS ARISING FROM THE AUGUST COMMITTEE MEETING;

o How the application was advertised. The application has been advertised in accordance with the Statutory provisions set out at Section 5 of the Planning (Listed Buildings and Conservations Areas) Regulations 1990, as confirmed at paragraph 15-029 of the National Planning Practice guidance (NPPG). The relevant legislation requires the Council to publicise the application by display of a site notice and publication in the local newspaper whilst the NPPG conveys an additional requirement to advertise the application on the Council's website. In the case of the current application, 2x site notices were displayed on the 11/6/2020, one at each end of the bridge- i.e. one in each Ward. The newspaper advert was placed in the paper on the 18/6/2020 and the application has been displayed and accessible on the Council's website since it was validated on the 05/06/2020.

Unlike with applications for planning permission, there is no Statutory requirement for the Local Planning Authority to directly notify adjoining residents about pending listed building applications. It is noted, however, that the applicant sent notifications to the residents of all four toll houses on the bridge, prior to submitting the application.

It is acknowledged that the press advert for this application only stated one Ward whilst it is recognised that Cleveland Bridge falls within two separate Wards within the city (Bathwick and Walcot). However, the Statutory requirements for press adverts does not

require the Ward to be stated, therefore, not stating both Wards in the press advert does not render the advertisement of this application invalid.

For the reasons stated above, the LPA is satisfied that the application has been properly advertised in accordance with the Council's adopted process and procedures and in accordance with both Statute and national guidance.

- o There is no need for a Planning Application- The works that are proposed fall under Part 9 of the Town and Country Planning (General Permitted Development) (England) Order 2015 which gives permitted development powers to the highways authority to carry out maintenance or improvement operations to the highway;(Part 9; Development relating to roads- Class A; development by highways authorities). As the works are "permitted development" there is no requirement for a full planning application. In any event whether or not a planning application is needed does not impact on the determination of a listed building consent application.

- o What can be considered as part of this application? - It is a fundamental legal principle that a public body may only do what it is empowered to do by Statute. Therefore, the decision of the Planning Committee must lie within the requirements of the governing section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 only. The local traffic authority considerations of the Council are a Cabinet function and not within the remit of the Planning Committee. The consideration of the listed building application is separate to the wider HGV and traffic routing issues. These matters will need to be dealt with by the Council as a separate issue under its highway and transport powers.

- o Additional background documents- as referenced by several Ward Councillors and other members of the public, have, been made available on the public website, in summary:

(- Departure from Standard (2012)- The applicants have responded to say that this document does not exist.)

- Principal Inspection Report of Cleveland Bridge by CH2M HILL, March 2014.

This is a report that was produced to assess the condition of the bridge as part of the ongoing management and maintenance regime that the highways authority undertake on all road bridges throughout Bath and North East Somerset.

The purpose of the inspection was to aid the assessment and design option for remedial works. Concrete testing undertaken during the roped access inspection highlighted chloride levels within the bottom boom and slab of the internal truss members of the 1927 structure to be higher than acceptable levels. Historic records show that concrete repairs have been undertaken regularly and several of the current defects are located around the extremities of old repairs due to steel reinforcement corrosion.

A number of faults with the bridge were highlighted and a list of recommendations made included;

- o A full assessment of the structure to be undertaken based the defects present.

- o Investigate protection systems for the concrete truss elements such as impressed current cathodic protection to prevent the need for regular ongoing repairs due to contamination of the concrete.
- o Investigate source of water leak on longitudinal joints.
- o Undertake concrete repairs to the truss elements and deck slab.
- o Repair defects to the masonry abutments.
- o Repaint the footway beams and cast-iron ribs.
- o Install a protective coating system to the main rib hangers.
- o Reinstate defective anti pigeon netting to the abutments.
- o Waterproof the deck slab/footway slab longitudinal joint to prevent water ingress

- Cleveland Bridge Assessment Report by CH2M HILL-June 2017

This assessment was limited to the reinforced concrete trusses supporting the main carriageway (Warren structure), and the later 1992 fabricated steel beams supporting the footways. The existing cast iron arches were not assessed as they are structurally redundant.

This report concluded that based on a sensitivity analysis the defects were not thought to compromise the load carrying capacity of the bridge in the short term but were considered to warrant the need for remedial repairs in line with the 2014 report, as set out above.

- Submission of Departure from Standard Form- June 2017.

This document was also included within the above June 2017 Report by CH2M HILL. A Departure is a variation of a requirement carried out in accordance with the Highways Organisation's procedures. This is set out in General Principles and Scheme Governance General information GG 101-Introduction to the Design Manual for Roads and Bridges (DMRB) (formerly GD 01/15)- June 2018.

The National Standards recognises that there is significant variation in the types and use of structures across the country and allow a process for the introduction of variation. This is the named Departure from Standards which is included within the assessment and technical approval process.

In the case of Cleveland Bridge, the Departure from Standards is for a reduced assessment factor to manage the sub-standard nature of the bridges structure in line with the DMRB requirements, providing the surfacing is maintained in a good condition. The signed form for Departure from Standard, dated 2017, has been included with the 2017 Assessment report.

- Cleveland Bridge Principal Inspection Report by WSP; February 2020.

Building on previous inspection and condition reports, as set out above, this report identifies the various elements of a holistic approach towards the repair and remedial works programme for the bridge. They do not mention any new works but elaborate in more detail on the extent of the works involved based around the 2014 Report.

These documents essentially relate to and represent condition surveys of the bridge carried out by engineers on behalf of highways authority over a period of time. These reports are not considered to be necessary for inclusion in the current application submission as they provide background information to assist in providing robust

justification for and in informing the current proposals for the bridges repair and reinforcement, culminating in the application submitted.

o Not enough information to assess the longevity of the proposal. The repair and strengthening of a structure will provide an increased extension of life. The duration of that extended life is host to numerous caveats surrounding the existing condition, future inspection regimes, workmanship and the components that are being repaired. Adept guidance states in situ concrete repairs in a severe environment may last 35 years until the next maintenance cycle. A typical paint system in a severe to moderate environment would typically last 15-30 years respectively. As there are various forms of construction in this single span (steel, concrete, masonry and cast iron) it is difficult to state an exact timeline of further intervention. The past performance of the structure indicates that the next intervention could be in 30 years. In short, it will be between 15 and 30 years before repairs are required on this structure. However, with a good inspection regime and minor repairs when needed could be enough to keep the structure free of major maintenance.

o Not like for like repairs. The following summarises the position (as before all aspects are considered in more detail in the report below);

1. Repairs and reinforcement to the deck slabs- Alteration (adding new material)
2. Repairs and reinforcement to the concrete- Alteration (increase in size by 25mm on each side of each member) and like for like repair (concrete)
3. Repairs and reinforcement to Masonry- Like for like repair.
4. Waterproofing under the road and pavement-Alteration (replacing existing drainage system with new).
5. Repairs and redecorating the cast iron historic structure - Like for like repair.
6. Bridge cleaning including the stone abutments - Like for like repair.
7. Kerb extension and re-alignment-Alteration (to layout).
8. Bird Mesh - Like for like repair (bird mesh already exists).

o Historic England not consulted. It was stated by objectors at the August Committee meeting that Historic England were not consulted on this application. For clarification Historic England were consulted on the 5/6/2020 and responded on 8/7/2020 and again on 5/8/2020. Their comments are summarised in this report.

o Ecology- A detailed assessment has been made by the Council's Ecologist of this application. Their findings are summarised in the above section. The Combined Technical Report for Bat, Otter and Water Vole was submitted by the applicants following pre-application discussions with the Council's Ecologist. With regards to the proposed replacement of the existing failing mesh that prevents birds nesting on ledges within the bridge structure and causing damage to the stone abutments from bird droppings. The view of Ecologist is that this is an acceptable method; "A detailed specification for bird prevention mesh will need to be provided. This is referred to but has not been submitted with the application. I would not normally support use of bird mesh, but as there is existing

prevention mesh, I would accept like-for-like replacement in this instance. Any mesh used will need to avoid entanglement and must not pose a risk to birds or bats. Mesh should only be used where use by birds could pose a health hazard or risk of structural damage." The requirement for samples is picked up within Condition 8.

- o Clarification of whether damage is being caused to the bridge by lorries or by water ingress/rusting and whether lorries using the bridge would cause damage in the future - All noted damage is primarily due to water ingress which carries contaminants (noted as chlorides in the inspection report) which damage the bridge. (In an un-repaired scenario, any vehicular loading would potentially cause damage to the bridge.)

- o Impact of air pollution on the bridge.-All inspection reports have identified damage primarily caused by water ingress.

Significance of Cleveland Bridge

Cleveland Bridge was originally constructed to span the River Avon in 1827. This was followed by a major re-construction in 1928 and was repaired and strengthened again in 1992. It is designated as a grade II* listed building due to its special architectural or historic interest and is a heritage asset of very high (national) significance. The historic bridge is considered one of the finest late Georgian bridges in the Greek Revival style in the UK. It has high architectural, historic, communal and evidential significance.

The original structure was a cast iron span with limestone ashlar abutments. It is known as a "single span" bridge, comprising six segmental arched trusses with iron spandrels which rest against the massive stone abutment piers on each of the riverbanks, spanning approximately 30m, carrying the road that is approximately 12m wide. A substantial concrete reinforcement structure was added to the underside of the bridge later. The bridge has three key structural stages of construction: the historic iron structure, an early 20th century concrete structure known as the Warren Structure and a modern steel beam structure that was also added for further strength and reinforcement.

The listing includes the whole of the bridge, including 4 no. associated tollhouses. These former toll houses, one on each side of the bridge approaches, are in the form of compact Doric temples with classical porticos facing onto the road and are built in limestone ashlar with Welsh slate roofs. Although they appear to be single storey at road level, they descend a further two storeys through plinths of horizontal stone rustication down to the riverbank and currently provide residential accommodation. It is currently understood that whilst two of the toll houses are used as holiday lets, one of them as a sculptor's studio, the fourth is lived in on a permanent basis.

The bridge is situated within the suburbs of the City and is separated from other buildings and terraces by private land and gardens. The bridge is in the City of Bath World Heritage Site (WHS), and within the Bathwick/Walcot Character Areas of the Bath Conservation Area.

Regarding bridge construction technology, the eighteenth century marked the high point in the theory and practice of masonry bridge construction. However, increasing demand

required quicker solutions. Arched iron bridges were widely adopted in the early nineteenth century, but a series of failures rendered cast iron risky for major spans after 1847 (although many smaller and ornamental bridges continued to be built). Engineers turned more to metal truss bridges from the 1820s (combining small interconnecting members, some in compression, others in tension) and suspension bridges.

Concrete for bridges was used from the late nineteenth century with mass concrete first used in 1877, and reinforced concrete by 1900. The first major use of steel (as opposed to wrought iron) in British bridges is the Forth Bridge (1890) and it came to predominate in the twentieth century in the form of box girder and suspension bridges. The general availability of pre-stressed steel and arc welding allowed for more elegant and slender bridges from the 1950s - some post-war bridges are of note in their use of high-quality detailed concrete finishes and refined engineering.

As can be deduced from this general background on bridge construction, Cleveland Bridge falls into most of these categories. Being a Regency built structure, it originally utilised both stone and iron structures, as advanced technologies of that time, for its original construction. Subsequent modifications and adaptations have rendered the original structure being superseded, using steel and concrete technologies from later periods.

The following works have been carried out on the structure since its construction in 1827;

1929- Warren concrete and steel truss added and slab strengthening

1977- Expansion Joints repaired on the southbound lane

1981- Carriageway resurfaced with mastic asphalt

1982- Concrete repairs to trusses and rib repainting

1983- Shell grip applied to surfacing and repairs to south-east joint

1985- Therma-joint installed and repairs to south wing walls.

1986- Repairs to footway slabs

1992- Strengthening works including:

- Steel portal frames were installed to the footways

- Parapet refurbishment

- Raised containment kerbs installed

- Footway waterproofing & paving

- Deck waterproofing and carriageway resurfacing

- Concrete repairs to deck trusses.

2018- Toll House repaired following a collision.

2014 - 2018 Resurfacing of the bridge deck and intrusive investigation works.

The significance of Cleveland Bridge is primarily based on its surviving iron and masonry structures, rather than the later more utilitarian additions, although these later additions are important as they represent stages of the bridge's adaptation and evolution, to find alternative forms of construction to deal with the bridge's original underperforming structure. The toll houses, some of which are still in active residential use, are also a relatively unique aspect of the bridge's special interest.

Repair Philosophy;

A risk assessment has been carried out by the applicants to demonstrate that alternative options have been looked at for the works. This looked at a variety of options from "Do nothing" to full replacement of the bridge;

* Do Nothing- Allow the structure to deteriorate. There will be a point where decommissioning of the structure is required due to health and safety concerns. Furthermore, there may be the onset of critical defects that cause the closure of the structure with short notice periods.

* Do Minimum- Ad-hoc repair. This would require more iterative visits to the structure and disruption over shorter maintenance periods.

* Do Something (B), full rebuild. This would require an initial high expenditure but would last the longest out of all options. However, the structure is grade II* listed, the category for particularly important buildings of more than special interest, where replacement would be most unlikely to be supported. This option would, therefore, not be in accordance with National and local policy, embedded in the National Planning Policy Framework and Bath and North East Somerset's Core Strategy and Placemaking Plans.

* Do Something (A), Major maintenance. This is a compromise between total replacement and ad-hoc repair. The aim of this option is to repair the structure with current good practice methodologies to ensure the longevity of the solution and best value for money.

As a result of this options assessment the applicants consider that the most appropriate solution is to do a comprehensive repair and strengthening exercise to reinstate the bridge back to a better condition, to visually enhance it through traditional repairs and re-decoration and to preserve its longevity. (Do Something (A)).

The proposed works to the original iron structure are limited compared with the remainder of the bridge. However, where works entail alterations to the underside of the concrete structure, decking area or require the cleaning or repainting of the asset, this has the potential to alter the character and appearance of the structure and therefore its significance and any relationship between component parts, and with the setting and adjacent heritage assets. This option also provides an opportunity to enhance historic features, such as redecorating and repairing the historic iron and stone structures. A full assessment of this work is therefore required to make judgment over the impact of the proposal on this heritage asset.

Proposed Repairs: Impacts and Implications;

Impact on Bridge Structure

1. Repairs and reinforcement to the bridges deck slabs; This part of the scheme is to install polymer reinforced plates bonded to the concrete beneath the road deck. The reinforcement is a non-traditional solution in this instance. The decking itself is a relatively modern structure that has been adapted and altered over time. This part of the scheme will not interfere with the historic parts of the bridge and will not be visible, being applied directly beneath the deck of the roadway. Whilst it is acknowledged that this item is not a like for like repair, it is considered to be an acceptable solution that will provide a longer life span and strengthening to this part of the bridge, without having to deconstruct other structural elements of the bridge. It is considered to be essential work to prevent carriageway collapse irrespective of weight limits.

2. Repairs and reinforcement to the concrete structural elements supporting the bridge. Engineers have identified major failings with the trusses that are made up of a combination of steel imbedded in concrete beams that forms part of the bridge's main supporting truss structure dating from the 1929 alterations. Chloride corrosion is caused when the steel reinforcing within a concrete beam begins to rust. As the steel rusts it expands, displacing the concrete around it, causing it to become brittle and crack, as highlighted in the pictures provided by the applicants. To remedy this, the applicants have chosen the minimalist approach of providing strips of anodes along the lengths of each concrete beam that will then be covered in concrete. This treatment is used in maritime engineering to prevent rusting to boats and is a solution that would work in similar conditions for the bridge. Visually, this will result in each beam having small rounded strips- the anodes- projecting from their surface and recovered in a slim coating of concrete. This will have the effect of enlarging each beams circumference, by approximately 25mm on each side, cumulatively resulting in the whole beam being altered through this repair. This part of the scheme will result in the enlargement of the Warren concrete structure below the bridge deck. This enlargement will be relatively modest, however, as indicated by the applicant's illustrations and it is proposed to be mitigated by the installation of a uniform coloured concrete coating to reinstate uniformity to this part of the bridge. Whilst this is not a like for like repair, the use of such repair methods is the most practical approach to working with the existing structure rather than taking out whole sections and replacing them. In this instance it is considered that the applicants have taken a conservation approach towards this element of the scheme. It is considered to be essential work to prevent structural disintegration of concrete structural elements supporting the bridge.

3. Repairs and reinforcement to the two masonry abutments; Including masonry repairs and repointing of the stone abutments. These works are primarily repairs which are intended to be carried out using traditional materials and methods. By incorporating these works within the project, benefits to the condition and visual appearance of the bridge will be achieved.

4. The cleaning of the bridge including the stone abutments and iron elements. The cleaning method of the iron needs to be sensitively handled. Whilst there are no concerns with the use of this cleaning method for the main structure as this is mostly unembellished, sample areas will need to be agreed and alternative methods looked at for the floral inserts as outlined in the heritage statement. Where grit blasting is proposed on metal work, there will need to be more information regarding the particle size proposed and this can be covered by a special condition. The masonry requires a less harsh form of cleaning that can again be handled through a condition.

5. Waterproofing under the road and pavement areas and installing protective coating systems. This treatment is to help alleviate water penetration to the underside of the bridge and its supporting structure. This problem has contributed towards the erosion of the concrete beams of the 1929 structure and the solution to this is utilising modern treatments that are compatible with the modern surfaces of this part of the bridge. It is not intended to be used on the historic surfaces or structure. Once again this is not a like for like repair but will provide more robust prevention to the bridge suffering from future deterioration. Essential to prevent water ingress into the supporting structure and installing protective coating systems which prolong the life of the bridge and reduce the need for ad hoc repairs.

6. Repairs and redecorating the cast iron historic balustrade and arch structure. There are isolated defects within the parapet with some of the decorative floral inserts severely corroded or missing. Minimal cast iron repairs are proposed using bolted plates, stitched using a Metalock system or left in the current condition, depending on the degree, location and significance of the deterioration. The colour of the bridge has faded with no information available as to its previous colour. Based on colour photos from the 1970s, the bridge appears to be largely green and black. It is, therefore, recommended that the project engages a specialist to take samples of the paint to ensure all layers are collected and analysed to identify what colour the bridge was historically painted. This will then assist in informing the correct methodology and colours for the repainting element of the scheme and can also be covered by an appropriately worded condition.

7. Alterations to the kerbs- On the roadside it is proposed to alter the alignment and length of the modern containment kerbs and the related drains which were added in the 1990s. This is in part to address a design fault that has led to water ingress from the existing drains. The kerbs are to be extended in front of the lodges to prevent further potential damage to the toll house columns, which have already experienced damage from passing vehicles (August 2017 being an example of a major incident of this). The distance between the back of the kerbs and the base of the toll house pillars will be around 475mm. The new kerbs will be made to the same specifications as the existing that are unique to Cleveland Bridge - being specially designed from cast iron in the 1990s. The extension of the kerbs in front of the lodges will alter the way the columns are perceived within the public realm; however, this change to their immediate setting needs to be balanced against the provision of a low physical barrier to help prevent future damage to the toll houses or passing pedestrians. It is also proposed to upgrade the drainage system that runs parallel with the kerbs, although visually they will look like the existing system of metal grilles. This drainage detail will not be taken past the toll houses. In this case, the replacement drainage system will not introduce any visual changes to the decking and, as already set out above, the kerb alterations will result in protection to both the toll houses and pedestrians that will outweigh any visual impact on the setting.

8. Installation of new bird nesting prevention mesh. The current level of birds nesting is potentially causing a health and safety issue from droppings. Cavities within the abutments allow birds to nest and the resultant droppings are damaging to stonework and can be a health and safety issue. The introduction of the mesh will act as a deterrent to nesting pigeons and will be to areas that are not visible from most public views of the bridge. It is likely that this will be visible from the river and riverbanks, but these cavities are relatively small and obscured by the bridge's structural elements.

Summary of Proposed Works

1. Repairs and reinforcement to the deck slabs. Alteration (new material)
2. Repairs and reinforcement to the concrete. Alteration (increase in size by 25mm on each side of each member) and like for like repair (concrete)
3. Repairs and reinforcement to Masonry. Like for like repair.
4. Waterproofing under the road and pavement. Alteration (replacing existing drainage system with new).

5. Repairs and redecorating the cast iron historic. Like for like repair.
6. Bridge cleaning including the stone abutments Like for like repair.
7. Kerb extension and re-alignment. Alteration (to layout).
8. Bird mesh - Like for like repair (bird mesh exists).

Impact on Setting of the Bridge

The statutory obligation on decision-makers is to have special regard to the desirability of preserving listed buildings and their settings, and the policy objectives in the NPPF and the PPG, together with local policy, establishes the twin roles of setting: it can contribute to the significance of a heritage asset, and it can allow that significance to be appreciated. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the heritage asset's conservation, including sustaining significance. Setting is the way in which the asset is understood and experienced.

The Heritage Assessment submitted by the applicants has considered the physical surroundings of the asset, including topography and intervening development and vegetation. It also considers how the asset is currently experienced and understood through its setting, views to and from the asset and the site, along with key views, and the extent to which setting may have already been compromised. The setting of the bridge is, therefore, dependant on its immediate context, provided at road level by the tollhouses, parapet and walkways and derived from views towards the bridge from the water, and outlying vantage points along the waterside. The bridge acts as a key visual point of reference connecting the high-quality designed environs of the related townscape to its west and east, as well as landscape views derived from the river. The immediate townscape also retains strong contemporary and historical associations that contribute to the heritage significance of the bridge. Setting, therefore, makes a high contribution to the significance of the bridge.

Impacts of the scheme will be primarily through the changes to the size of the concrete beams on the underside of the bridge which will be subtle and result in the 1929 structure being altered, repaired and visually improved by the application of a consistent new concrete coating.

Other changes, such as the increase in the kerb length to form a barrier outside the toll house columns will be more direct impact on immediate settings of this part of the bridge. It will alter the visual relationship between the road and these residential units; however, this alteration is not considered to result in harm to the asset or the setting and benefit will result from the additional protection provided.

This work will have little impact on the bridge's setting being balanced by the overall improvements made to its condition and appearance, once the scheme is completed. Within the context of the conservation area, the physical works, when taken as part of the overall project, will not harm the character and appearance of this part of the conservation area and indeed should result in reinstating the historic character of the bridge and

upgrading its condition. It is considered that there will be no impact on the Outstanding Universal Value of the World Heritage Site.

Ecology

A Combined Technical Report for Bat, Otter and Water Vole (WSP, June 2020) has been submitted which provides enough information to demonstrate likely compliance with UK law and national and local planning policy. No further ecological surveys will be required, although the recommended avoidance and mitigation measures will need be implemented.

The report confirms that semi-natural habitats are unlikely to be impacted. Although the plans detail vegetation removal on the Bridge, no dense vegetation appears to be present. There is no suitable habitat for water vole to be impacted by the proposals. There are no potential otter holts or daytime couches within 50m. There is a potential/likely couch or lying up place for otter 15m to the east of the bridge. However, this is highly unlikely to be suitable for daytime use due to regular disturbance and lack of an enclosed, undisturbed space. The nearby otter video recordings taken by a local resident do not show regular daytime activity. The Technical Report states that night-time working will be restricted to the deck of the bridge.

No bat roosts were identified in the bridge. Although one of the surveys was completed in late April, contrary to best practice guidance, the nights were warm in late April. In addition, the second survey was completed in optimum conditions a month later. In total, 90% of the bridge was surveyed. Therefore, the results of the surveys are accepted as a representative sample of likely bat activity. Light sensitive bat species, including lesser and greater horseshoe bats, for which the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC) is designated were recorded commuting along the River Avon. The works will not obstruct the commuting corridor.

As stated above, night working will be confined to the deck of the bridge. Therefore, there will not be any need for temporary or permanent lighting on the sides or below the bridge which would cause light spill onto the River. Permanent lighting will be reinstated on a like-for-like basis. Therefore, there is no requirement for a Habitats Regulations Assessment to be completed, providing lighting will remain as existing. There is no credible risk of significant impacts on the SAC. However, details of construction lighting will need to be confirmed.

Working hours and methodology will need to be secured under a Construction Environmental Management Plan (CEMP). This will need to include details of any temporary construction lighting. This is proposed to be encapsulated in a pre-commencement condition.

Other matters raised by third parties

The main thrust of this application is to consider the impact of all the repairs and reinforcement works on the character and significance of this listed building and its setting.

Most objections are based on the premise that the proposed works are primarily intended to increase the weight loadings for the bridge, however, the consideration of this listed

building application as set out within the legislation, is whether the repairs to be carried out would be harmful to the listed building and its setting.

The proposal is to provide a robust solution to extend the longevity and durability of the structure with minimal intervention. Proposed alterations to the structure are sustainable. As noted by Historic England; 'The material alterations to this Grade II* listed bridge will cause minimal harm to the overall heritage significance of the asset; focussing primarily on repairs to historic fabric and alterations to modern elements".

It is agreed that the bridge is vital to the city and it is quite the spectacle for river tours. Therefore, this scheme has been developed that minimises impact on this historic bridge whilst retaining its function. The refurbishment will bring the bridge closer to its original aesthetic appearance since reconstruction in the 1920's and improve the appearance of the bridge, which is in need of considerable maintenance and repair works.

The requirement for a Construction Environmental Management Plan by the Ecologist will assist in the management of lighting and other related matters during the implementation of the works.

CONCLUSION

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.

The proposed scheme is a comprehensive programme of repair and maintenance works required to conserve and enhance the significance of Cleveland Bridge and to sustain its long-term future use as a road bridge, together with providing a sustainable future for the four residential units, in the city of Bath. The proposed works would not result in the addition or significant alteration to the original historic structure of this asset. As set out above, some aspects of repairs, cleaning and repainting works would to be controlled through conditions.

The area of these works most likely to have a visual impact on the bridge is to the treatment of the early 20th century concrete superstructure under the main decking. To mitigate the change in size and shape of the beams, the applicants propose that the new concrete coating will be treated with a uniform colour that will provide visual uniformity to the bridges underside once the works are completed. The extension of the kerbs to the front of the toll houses will not impact directly on the bases of the pillars and although there will be a visual impact on the toll houses, this will be balanced from the benefits provided by the protective barrier that will be put in place to help prevent future damage. A bespoke condition to protect the toll houses whilst works are implemented is also recommended. There is no loss of historic fabric and no addition of further steel supports, with much of work being beneficial to the historic fabric through repairs.

The proposed works are required to help secure the long-term viability of this heritage asset, support the ongoing safe use of the bridge, repair damage and conserve and enhance the heritage significance of the asset. The works would conserve and enhance the significance of the grade II* listed Cleveland Bridge and its setting. Furthermore, the

project will ensure that the bridge and its various layers of fabric have an extended life, maintaining the heritage significance of the bridge and its setting and its contribution towards other heritage assets in the near vicinity, including the Bathwick Character Area of the Bath Conservation Area. It is not considered that there will be any direct impact on the Outstanding Universal Value of the World Heritage Site.

An assessment of the biodiversity of the site and its surrounding area have been made. This indicates that the scheme will comply with Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) and will ensure no net loss of biodiversity in accordance with Policy NE3 of the Bath and North East Somerset Placemaking.

It is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would be an acceptable repair and alteration to the listed building that would preserve its significance and setting as a designated heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

Low Carbon and Sustainable Credentials:

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

Consequently, the application is recommended for consent.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Construction Environmental Management Plan (CEMP)(Pre-commencement)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following;

- A) Risk assessment of potentially damaging construction activities and identification of "biodiversity protection zones".
- B) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)

including on nesting birds, bats and otter and the adjacent Site of Nature Conservation Interest.

C) The location and timings of sensitive works to avoid harm to biodiversity features.

D) The times during which construction when specialist ecologists need to be present on site to oversee works.

E) Responsible persons and lines of communication.

F) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

G) Use of protective fences, exclusion barriers and warning signs if applicable.

H) Details of any construction lighting.

I) A specification for the installation of bird nesting prevention mesh.

The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To comply with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) and to ensure no net loss of biodiversity in accordance with Bath and North East Somerset Placemaking Policy NE3.

3 Implementation of Compliance Report (Compliance)

Within six months of the completion of works, a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the recommendations detailed in Section 4 of Combined Technical Report for Bat, Otter and Water Vole (WSP, June 2020) and the approved Construction Environmental Management Plan (CEMP: Biodiversity) in accordance with the approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of ecological recommendations and commitments, to prevent ecological harm and to provide biodiversity gain in accordance with UK law, the NPPF and policy NE3 of the Bath and North East Somerset Local Plan.

4 Protecting Architectural Features (Pre-commencement)

No development shall commence until detailed drawings identifying how each of the 4no. toll houses and any associated architectural features and land which belong to them and the method by which these parts of the bridge will be safeguarded during the carrying out of the approved development have been submitted to and approved in writing by the Local Planning Authority. The approved protective measures shall be implemented and kept in place in accordance with the details so approved for the duration of the development works.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

5 Stone and Iron Cleaning Samples (Pre-commencement)

No work shall commence on the stone cleaning of the bridge abutments or the iron work of the balustrade and arches; until sample panels have been provided in-situ to establish

the final parameters of the stone cleaning and approved in writing by the Local Planning Authority. The approved panels shall be kept on site for reference until the development is completed. Thereafter the work shall only be carried out in accordance with the approved sample panels.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

6 Mortar Mix (Bespoke Trigger)

No re-pointing shall be carried out until details of the specification for the mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have been provided in situ for the inspection and approval in writing by the Local Planning Authority and retained for reference until the work has been completed. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

7 Schedule of Repairs (Bespoke Trigger)

Following the cleaning of the bridge stone abutments; in accordance with the approved method and prior to any further works being undertaken a detailed schedule of any repair work, including methods and materials to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

8 Submission of Schedule of Work and Samples (Pre-commencement)

No works shall commence until a schedule of works setting of the phasing, construction techniques, materials and finishes, and samples of the materials and colour to be used in the construction of the external surfaces has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3, D5, D6 and HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

9 Paint Sample (Compliance)

No work shall commence on the repainting of the bridge parapet features and iron work until paint samples have been taken to establish the historic paint scheme and to establish final parameters of the proposed paint constituents and colours and approved in writing by

the Local Planning Authority. The approved panel shall be kept on site for reference until the development is completed. Thereafter the redecoration shall only be carried out in accordance with the approved sample panel.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

10 Cast Iron Repair Details (Bespoke Trigger)

No repairs to the historic iron structure shall commence until full details comprising 1:20 drawings and a schedule of work have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

11 Kerb Details (Bespoke Trigger)

No installation of the extended kerb shall commence until full details comprising 1:20 drawings in plan and section, showing the base of the toll house columns and paving slabs and how they will be treated have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

12 Plans List (Compliance)

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

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

PLANS LIST:

1 Drawing	05 Jun 2020	0001 T03	LOCATION PLAN AND GENERAL ARRANGEMENT PL...
Drawing	05 Jun 2020	0007 T03	EXISTING STEEL PORTAL BEAM DETAILS
Drawing	05 Jun 2020	0008 T03	EXISTING CAST IRON ARCH DETAILS
Drawing	05 Jun 2020	0009 T03	ABUTMENT GALLERY DETAILS
Drawing	05 Jun 2020	0010 T03	PROPOSED LONGITUDINAL JOINT
Drawing	05 Jun 2020	0011 T03	INDICATIVE STEEL AND CAST IRON REPAIR DE...
Drawing	05 Jun 2020	0012 T03	CONCRETE REPAIR DETAILS
Drawing	05 Jun 2020	0013 T03	TESTING RESULTS SUMMARY CHLORIDE ION CON...

Drawing	05 Jun 2020	0015 T03	PROPOSED DECK JOINTS, DRAINAGE AND WATER...
Drawing	05 Jun 2020	0017 T03	RESURFACING DETAILS
Drawing	05 Jun 2020	0018 T03	TRANSVERSE METALWORK AND CONCRETE DEFECT...
Drawing	05 Jun 2020	0019 T03	LOCATION OF CONCRETE DEFECTS - TRUSSES 1...
Drawing	05 Jun 2020	0020 T03	LOCATION OF CAST IRON DEFECTS - ARCHES 1...
Drawing	05 Jun 2020	0021 T03	LOCATION OF CAST IRON DEFECTS - ARCHES 5...
Drawing	05 Jun 2020	0022 T03	MAINTENANCE OF PAINTWORK
Drawing	05 Jun 2020	0023 T04	PAINT SYSTEM FOR STEELWORK ELEMENTS
Drawing	05 Jun 2020	0024 T03	PAINT SYSTEM FOR CAST IRON ELEMENTS
Drawing	05 Jun 2020	0027 T03	SCHEDULE OF DEFECTS AND REMEDIAL ACTIONS...
Drawing	05 Jun 2020	0028 T03	SCHEDULE OF DEFECTS AND REMEDIAL ACTIONS...
Drawing	05 Jun 2020	0029 T03	EXISTING GENERAL ATTANGEMENT AND SITE CL...
Drawing	05 Jun 2020	0030 T03	ABUTMENT DEFECT LOCATIONS, SCHEDULE OF D...
Drawing	05 Jun 2020	0033 T03	LOCATION OF CONCRETE DEFECT CONSTRAINT: ...
Drawing	05 Jun 2020	0034 T03	LOCATION OF CONCRETE DEFECT CONSTRAINTS:...
Drawing	05 Jun 2020	0035 T03	LOCATION OF CONCRETE DEFECT CONSTRAINTS:...
Drawing	05 Jun 2020	0036 T03	GENERAL BREAKOUT CONSTRAINTS FOR TRUSS M...
Drawing	05 Jun 2020	0037 T03	GENERAL BREAKOUT CONSTRAINTS FOR TRUSS M...
Drawing	05 Jun 2020	0038 T03	BAR BENDING SCHEDULE MEMBER REFERENCES A...
Drawing	05 Jun 2020	0039 T03	METHODOLOGIES FOR THE REPLACEMENT OF LIN...
Drawing	05 Jun 2020	0040 T03	DECK AND SOFFITT GALVANIC ANODE ARRANGEM...
Drawing	05 Jun 2020	0041 T03	TRUSS GALVANIC ANODES: GENERAL ARRANGEME...
Drawing	05 Jun 2020	0042 T04	TRUSS GALVANIC ANODES: DETAIL Public
Drawing	05 Jun 2020	0043 T04	HANGER BAR PROTECTION AND AUXILIARY DETA...
Drawing	05 Jun 2020	0050 T04	DECK STRENGTHENING: GENERAL
Drawing	05 Jun 2020	SIG1 T03	LOCATION PLAN AND DECK REINFORCEMENT ARR...
Drawing	05 Jun 2020	SIG2 T03	ABUTMENT GALLERY - CONCRETE REPAIRS AND ...
OS Extract	05 Jun 2020		LOCATION PLAN

2 Condition Categories

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

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

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

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

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

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

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

3 Permit/Consent Decision Making Statement

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

4 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

5 Responding to Climate Change (Informative):

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

6 Submission of Samples

Any samples required by condition should not be delivered to the Council's offices. Please can you ensure that samples are instead available for inspection on site - as soon as the discharge of condition application has been submitted. If you wish to make alternative arrangements please contact the case officer direct and also please make this clear in your discharge of condition application.

7 If the works of the proposal contained within the application require access scaffolding to be erected it is incumbent on all interested parties to ensure that it is undertaken adopting conservation best practice. Methods of erection which entail bolting scaffolding to the building using anchor ties will require listed building consent and are unlikely to be acceptable.

policy requirements to the extent that, with conditions, the officer is recommending permission be granted. However, I concur that these issues should be debated in the public domain.

Vice Chair:

I have studied the application carefully noting the comments from both third party & statutory consultees. It is clearly controversial although a number of issues, as the application has progressed, have been amended & clarified, or it is recommend they are subject to appropriate planning conditions. However I recommend the application be determined by the planning committee so the issues raised can be debated in the public arena & considered against relevant planning policy.

The subject site is located to the south east of Parish's House, a Grade II* listed building in the village of Timsbury.

Proposal:

The application proposes the alteration and extension of the existing store/workshop to allow for its use as a conference/function centre. A gazebo structure is also proposed and an allocated parking area.

Amendments:

Alterations to reduce size of extension, additional information in relation to highways, ecology and trees submitted. Description amended to clarify that application is applying retrospectively for the gazebo.

Second consultation carried out 14/04/2020.

History:

DC - 18/02523/FUL - PERMIT - 18 July 2018 - Erection of tool store/workshop building in grounds of main dwelling.

DC - 19/00500/FUL - WD - 9 April 2019 - Erection of single storey extension and alterations to existing gardeners store/workshop to facilitate conversion to conference/function centre.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Timsbury Parish Council: Object

- Noise from music, voices of visitors, movement of vehicles. Noise has previously been heard across the village from events subject of Temporary Event Notice. A large number of events throughout the year would be highly invasive.
- Noise nuisance may be controlled with sound proofing within the converted building, however, the application site boundary includes a wider area which could enable larger outdoor events.
- No evidence that encouragement of sharing of visitor vehicles could be ensured.

- Concern regarding 60 vehicles leaving the site during busy times and safety risk.
- No disabled toilets provided.
- The gazebo has already been built- application should be retrospective
- Detrimental impact to setting of listed building due to the parking on the fields
- The application mis-represents the views of the Parish Council. There is no record of the Parish Council being in favour of the scheme.
- Evidence of larger scale business use as a wedding venue
- Potential for marquees for larger events
- Concerns it could be used for a wide range of uses at any time in the future
- Request conditions - attendance limited to 100 and to protect the village from noise and traffic impacts

Historic England:

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Highways Development Control:

No objection subject to conditions

Environmental Services:

No objection subject to conditions

Ecology Team:

Although the additional information submitted addresses impacts on the car park grassland, impacts on the wooded copse have not been assessed. The following action/information is required:

- o Confirmation that the car park will remain unsurfaced;
 - o Assessment for the copse and strategy to avoid (retain), mitigate and compensate for any ecological impacts on woodland and mature trees;
 - o Ideally, a plan showing surveyed areas and findings to be provided (e.g. Phase 1/Constraints and Opportunities Plan); and
 - o Confirmation of whether any lighting is required in the Copse.
- No net loss and net gain of biodiversity need to be demonstrated to meet national and local planning policy.

Conditions would be recommended to secure a Wildlife Protection and Enhancement Scheme (and compliance report) including details of management/remedial measures and a sensitive external lighting design if consent is granted.

Arboricultural Officer:

No arboricultural objection to the identified tree removals subject to replacement planting to

mitigate for their loss.

The northern extension results in the need to prune back and crown lift the trees beyond the

retaining wall forming the ha-ha and is beneath the canopy of a significant Sycamore. The northern extension should be moved from this location to reduce future conflicts.

The submitted arboricultural report does not include all aspects of the proposal such as services,

the future impact of the gazebo and associated usage or the proposed car parking and access. A

revised arboricultural method statement would be required to incorporate these items.

The retention of the gazebo in an area which was once wooded is not supported. There have

been incremental losses in the canopy cover in the eastern woodland over time and further

losses are anticipated in light of the change of use

Third Party Comments summarised;

Objections x 21

Character & Landscape-

- Visual impact of field being used for parking

Highways-

- Use of private driveway on bend opposite to Lansdown Crescent is not suitable
- Will exacerbate the difficulty of access to village
- Will increase rush hour traffic
- Car parking supporting documents are inconsistent
- Refers to arrangement with Parish Council to allow for parking at the village hall but no arrangement exists
- The Highways DC comments that vehicle trips are likely to occur outside am and pm peak periods - concern that this is not an adequate assessment
- No Transport Assessment has been submitted
- Overflow carpark regularly floods
- Current traffic generated by property is very low
- Where will overflow cars park?
- Marquee will be situated on the turning circle
- Lack of public transport means most visitors will arrive by car
- Pedestrians at risk due to narrow pavement if parking at community hall.

Amenity-

- Noise assessment relates to impact to properties through amplified music, not from vehicles leaving the site late at night or early hours of the morning
- Noise from setting up/taking down

- Assumes all doors in the building will remain closed at all times when music is being played- reality is that guests will be entering and leaving
- Increased pollution from queuing traffic and cars parking
- Light pollution
- Concern that the venue will be used after midnight
- Previous events have been few and lack of complaints is not indicative of reaction to an increase of events
- Loss of privacy arising from car park users of the 3 acre field immediately behind residential properties on the Hook
- Use of 28 days means venue could be used every weekend for over 6 months
- Concern regarding use of fireworks impact to residents and animals
- Chinese lanterns should not be used
- Can a log of complaints be kept?

Ecology and Trees:

- Concern regarding removal of trees and bushes in the copse
- Care of remaining trees
- Wildlife could be forced out of habitat if field turned into hardstanding
- Impact of lighting to wildlife
- Impact of cars parking in the copse
- Arrangement for grass reinforcement after grass used for parking

Other matters-

- Not for a centre 'mainly for charity and family functions'- website states facility for newly launched wedding venue business- website refers to up to 250 guests
- Permission was granted for a small workshop with a condition for ancillary use only to protect amenity and highway safety
- Concern that the building could be used for a wide range of uses which could change the local character
- Limited argument that the business will benefit the community
- Should the application be granted, the suggested conditions should be adhered to

Support x 1

- A positive and much needed addition to Timsbury Village
- The bottom entrance is a safe road with good visibility in both directions
- Plenty of space for parking and turning
- Noise pollution should not be an issue as the grounds are protected by forestry and high walls.
- There should be no visible issues due to trees and wall and views are towards the open countryside

POLICIES/LEGISLATION

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.'

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

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:

- DW1 - District wide spatial strategy
- CP1 - Retrofitting existing buildings
- CP2 - Sustainable construction
- CP6 - Environmental quality
- CP7 - Green infrastructure
- SD1 - Sustainable development

Placemaking Plan:

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

- SCR1- On-site renewable energy requirements
- SCR2 - Roof-mounted/building-integrated scale solar PV
- D1 - General urban design principles
- D2 - Local character & distinctiveness
- D5 - Building design
- D6 - Amenity
- D8 - Lighting
- HE1: Historic Environment
- NE2A - Landscape setting of settlements
- NE3 - Sites, species and habitats
- NE4 - Ecosystem services
- NE5 - Ecological networks
- NE6 - Trees and woodland conservation
- PCS2: Noise and Vibration
- RA - Development in the villages meeting the listed criteria
- RA2 - Development in villages outside the Green Belt not meeting Policy RA1 criteria
- RE6 - Re-use of rural buildings
- ST1 - Promoting sustainable travel
- ST7 - Transport requirements for managing development

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main things to consider under this application are:

1. Principle of the use
2. Design, Character and Impact to listed building
3. Impact to landscape setting
4. Trees
5. Ecology
6. Highways & Waste
7. Amenity
8. Sustainability

Principle of the use:

The National Planning Policy Framework paragraph 83(c) states that planning policies and decisions should enable "sustainable rural tourism and leisure developments which respect the character of the countryside".

The site lies outside the housing development boundary for Timsbury. The proposed use will generate some employment and is therefore considered as an "employment use". The site is not within the Green Belt.

Policy RE1 Employment uses in the countryside states:

Proposals for employment uses in the countryside outside the scope of Core Strategy Policies RA1 and RA2 will be permitted providing they are consistent with all other relevant policies, and involves:

- i replacement of existing buildings;
- ii the limited expansion, intensification or redevelopment of existing premises; and
- iii they would not lead to dispersal of activity that prejudices town and village vitality and viability.

The proposal incorporates limited expansion and conversion of an existing building. The building would principally be used for functions for no more than 28 days per calendar year. Due to the extent of use proposed it is considered that the proposal would not lead to the dispersal of activity that prejudices the vitality and viability of the village.

Policy RE6 - Re-use of Rural Buildings states that the conversion of a building to a new use in the countryside outside the scope of Policies RA1, RA2 and GB2 will only be permitted provided a number of criteria are met as detailed below;

1 its form, bulk and general design is in keeping with its surroundings and respects the style and materials of the existing building.

This is discussed in detail under the heading Design, Character and Impact on Listed Building.

2 the building is not of temporary or insubstantial construction and not capable of conversion without substantial or complete reconstruction or requires major extension.

The proposal includes a number of alterations to the existing building, it is however noted that the existing building is not of insubstantial construction and the alterations can take place without substantial or complete reconstruction. The applicant has submitted a structural report to detail the method of conversion and demonstration elements to be retained. The extension proposed is modest and would not be considered to be a 'major extension'.

3 the proposal would enhance visual amenity and not harm ecological function (e.g. bat roost).

The existing building is not of any particular value in terms of its design and materials, the materials proposed would enhance visual amenity through the use of appropriate materials in keeping with the character of the surrounding area. It is considered that the design has a suitable rural quality which will sit comfortably within its setting.

Extended Phase 1 Habitat Survey for Protected Species In and Around a Metal Barn (Greena Ecological Consultancy, May 2019) has been submitted. The survey found the barn and trees within the footprint of building works are sub-optimal/have very low potential to supporting roosting bats. No evidence of roosting bats or nesting birds was found in the barn in a thorough inspection.

4 the proposal does not result in the dispersal of activity which prejudices town or village vitality and viability.

This has been considered in relation to Policy RE1.

5 where the building is isolated from public services and community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or disused building and any enhancement to its immediate setting outweighs the harm arising from the isolated location.

In this case the building is not considered to be isolated as it is within several minutes walking distance to the village of Timsbury which has a range of services, and therefore this criterion does not apply.

6 the development would not result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity;

The building is currently being used for ancillary storage for Parish's House. The applicant has confirmed that the change of use of the building will not result in a replacement building being required as there are other outbuildings available for storage. It is also noted that there is an extant permission from 2018 for a workshop/tool shed.

7 in the case of buildings in the Green Belt, does not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt.

The property is not within the Greenbelt this is therefore not applicable.

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

Map regression indicates that the building appears to have been built in the mid-20th century, it would not be considered to contribute to the significance of the listed building or its setting. It is considered the proposal will at least sustain the setting of the listed building.

In conclusion, the proposal is considered acceptable in principle subject to other material considerations addressed below.

Design, Character and Impact on Listed Building:

Policy D1, D2 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 principal development 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 be supported where it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

Policy HE1 of the Placemaking Plan states that development in the vicinity of a listed building, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

The building is set within the grounds of the Grade II* listed Parish's House. The existing building is of no particular significance and does not contribute to the wider landscape. It is however ancillary in appearance ensuring there is no distraction from the views of the listed building. It is considered that the proposed alterations and additions to the building

would maintain this subservient relationship, the proposed materials and finish would result in some enhancement whilst retaining a rural appearance.

The introduction of windows will clearly give the building a less functional appearance but it is considered the materials proposed will result in a recessive appearance allowing the building to successfully blend into the landscape. The balustrade was amended to reduce the spindles to create a more light weight appearance. A condition will be recommended for samples of materials to ensure appropriate finish.

The proposed parking area is located on the field to the front of the building and the marquee would be situated to the side of the building. The submission shows that there will be no construction of hardstanding for parking and a condition will be recommended to enforce this. The use of the field for temporary parking would not be considered to be harmful to the wider setting. The marquee will be within close proximity to the building thus limiting encroachment into the wider rural area there will be a condition to ensure the timely removal of the marquee following use.

A gazebo has been constructed within the former tennis court site, this application therefore seeks retrospective permission. The gazebo is modest in size, consisting of an open timber frame and tile roof. The gazebo is well screened by mature vegetation and would not be considered to cause any harm to the rural setting.

Amenity:

Due to the nature of the use proposed, the applicant submitted a Noise Impact Assessment and this was reviewed by Environmental Services. Environmental Services raised no objection subject to conditions.

A number of objections have been received from neighbouring residents concerning the amenity impacts of the proposal.

These concerns are noted and with consideration to the results of the Noise Impact Assessment, the applicants have agreed to a number of conditions to reduce any potential impact. These are summarised below;

- 12 month review of amplified music
- Music to cease at 11pm and noise limiter to be installed.
- Details of ventilation system to be installed (mechanical ventilation over natural ventilation to reduce noise transfer).
- Façade build up to be carried out in accordance with Noise Impact Assessment
- No glass bottles to be emptied after 22.00 and not before 08.30hrs daily
- The converted building shall be used only for the purposes specified in the application - conference and function centre - and for no other purpose.
- No more than 28 conferences/functions shall take place per calendar year
- No more than one conference/ function shall take place on a single day.
- The terrace to be the only 'outside area' and is for the use of smokers only. There will be no music externally
- no marquees or other free standing buildings shall be erected within the curtilage of Parish's House apart from the marquee shown on approved drawings

- The marquee as shown on the approved drawing shall be erected on no more than 24 hours in advance of use for 15 separate occasions and dismantled within 24 hours of use in any one calendar year in association with the approved conference/function use as part of the 28 day limit and will be dismantled within two days of use
- No amplified music will be played within the marquee
- No more than 100 persons shall attend any event or function held at the site.
- There shall be no fireworks or sky lanterns released in association with any conference/function held at the venue hereby permitted
- The site operator shall maintain a log of each and every ceremony/function conducted at the venue hereby permitted and the log shall detail the number of guests attending. The log, as well as booking confirmations confirming numbers of guests shall be available at all times at the request of the local planning authority

It is considered that the conditions accepted by the applicant would address many of the concerns raised. The first condition, will allow amplified music within the venue for a period of 12 months, after this time the applicant will need to apply to remove/amend the condition. At this point, Environmental Services/Planning Enforcement will be consulted, any noise complaints will be taken into consideration when assessing acceptability of changes to the condition.

It should also be noted that the venue will require a licence and any issues in relation to noise disturbance can also be addressed and enforced through Environmental Protection.

Whilst the concerns raised by third parties are noted, it is considered that the applicant has accepted a number of conditions to address the potential adverse amenity impact, it is considered on balance that the scheme would be acceptable and that if any issues do arise they can be dealt with through the normal enforcement process and re-assessed following first 12 months of use in terms of amplified music.

Concerns were raised regarding light spill, lighting shown on the plans will be similar to existing and will be cowl lighting, ensuring lighted is only projected downwards to all for navigation only. No lighting is proposed within the temporary parking area or around the gazebo, a condition will however be recommended for details of any additional external lighting to be submitted for approval prior to installation.

It is acknowledged that there will be a change in circumstances for residents when events and functions take place within the permitted 28 days per year compared to the existing situation. However, as discussed in other areas of this report, it is not unusual for properties of this size and within similar settings to be have additional uses for functions and conferences. The applicant has agreed to extensive conditions to mitigate and reduce any potential disturbance and whilst there may be a noticeable difference on the days the building is in use, this would not be considered harmful subject to compliance with the conditions.

Concerns have been raised regarding the website advertising the principal property as a wedding venue. The applicant has been advised that any use beyond what is being proposed under the current application will require planning permission and they are aware of their duty to comply with the agreed conditions. The application has to be assessed on the basis of what has been submitted.

If, at a later date the applicant wishes to extend the extent of use, they have been made fully aware of the sensitivities of the site through the current application process.

The conditions have been reviewed by Planning Enforcement and they are comfortable that the conditions are enforceable.

It is therefore considered that the applicant has submitted enough information and agreed to appropriate conditions to demonstrate that the use can be carried out without causing unacceptable increases in levels of noise that would have a significant adverse effect on health and quality of life.

Impact to Landscape Setting:

Any development should seek to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted.

The existing building whilst rural in character is of no particular merit in terms of design, materials or age. It is considered that the proposed work will result in an enhancement through use of materials and design whilst retaining a subservient, rural character. There will be some changes in setting at times of event when the field is used for parking, however, this will be temporary and brief and would not be considered a reason to refuse. It is considered that the proposal will at least conserve the landscaping setting of the settlement.

A condition will be recommended for soft landscaping details including replacement trees.

Trees:

The subject site is covered by a Tree Preservation Order, the application has therefore been reviewed by an Arboricultural Officer due to the proximity of the building and gazebo to a number of trees.

A number of trees are proposed to be removed near the proposed staff room, no objection has been raised to their removal subject to a condition replacement planting which can be conditioned.

The application proposes the pruning of a Sycamore to enable the development. Concerns were raised regarding future pressure for further works to be carried out to the tree as it overhangs the building. In response to this, the applicant reduced the depth of the northern extension. The concerns of the Arboricultural Officer are noted, however, the building will be retained in its current position of which the canopy of the Sycamore overhangs. Whilst there may be some increased pressure as a result of the extension, it is considered that it would not be so different from the current situation as to be a reason for refusal. It is also considered that this external area of the building due to its service use would unlikely be used by guests, further reducing possible pressure as a result of the change of use.

The applicant has confirmed that they will not need to run services to the building, a condition will however be recommended for details of services in case this is needed in the future.

The impact to trees as result of the car parking area and gazebo has not been addressed within the submitted arboricultural report. The gazebo has already been erected and this application is applying retrospectively for its retention. The area surrounding the gazebo was formerly a tennis court, but aerial photographs suggest it has not been used as such for a considerable period of time allowing the court to become overgrown. The site is bordered by trees and vegetation was removed to allow for the erection of the gazebo. Concerns have been raised regarding the retention of the gazebo and future pressure this may have on works to trees. It is considered that the addition of a gazebo would unlikely result in significant pressure to trees compared to the former use as a tennis court. It would also seem apparent that the gazebo is in this area because it is surrounded by the trees. The site plans show that parking can be situated far enough from the tree canopies to not result in pressure for works/removal.

A condition will be recommendation for soft landscaping details which will offer the opportunity for enhancement and to re-enforce the tree planting bordering the gazebo.

Ecology:

The proposal has been reviewed by the Ecology Team and clarification was sought on several points, including loss of habitat and proposed lighting. An Ecological Assessment was carried out and the applicant has confirmed that the car park will not be surfaced. A condition can be recommended to secure this, due to the limited use of the car park, the retention of a grass surface is considered workable. In addition to this, the applicant has accepted a condition for details of grassland management and enhancement as to address potential damage following use.

The survey found the barn and trees within the footprint of building works are sub-optimal/have very low potential to supporting roosting bats. No evidence of roosting bats or nesting birds was found in the barn in a thorough inspection. Therefore, no further surveys for nesting birds or roosting bats are required a condition will however be recommended for pre-cautionary working methods.

Some vegetation clearance has occurred to allow for the erection of the gazebo, due to the previous use as a tennis court and the applicant advising that hardstanding had been retained, it is unclear the quality of vegetation lost. A condition can be recommended to demonstrate wildlife mitigation and enhancement to address this.

A revised lighting scheme was submitted to show cowl lighting, the applicant has confirmed no lighting is required around the gazebo. A condition will however be recommended for details of any additional lighting so this can be reviewed for any ecological implications later.

Concerns were raised regarding parking in the copse, parking is not proposed within this area and a condition will be recommended for parking to only occur in the location specified within the site plan.

Highways:

The application proposes the off-street parking provision of;

- X 60 car parking spaces
- X 2 light good vehicle/people carrier spaces
- X 10 motorcycle spaces
- X 4 bicycle spaces
- X 2 spaces for blue badge holders.

The submission has been reviewed by Highways Development Control (HDC) and it is considered that the parking proposed is adequate for the maximum number of guests (100).

It is also noted that as part of the venue plan, guests will be encouraged to car share or arrive by mini-bus and coach. The application was amended to remove reference to the use of the village hall car park. This was not considered necessary due to what can be provided on site.

It is considered that the parking proposed is a maximum, in reality it is considered likely that many visitors would arrive in groups and the take-up for parking is likely to be much lower than proposed or it at least be uncommon to meet the full capacity.

Access to the site will be through the existing access which consists of a bound, compacted surfacing material and cars will be able to turn around within the site so that they are able to exit back onto Hook Hill in forward gear.

A transport statement has not been provided as requested by HDC, however, HDC would not raise an objection on this basis. HDC consider that the events/functions at the site are unlikely to conflict with the recognised am/pm peak period and therefore unlikely to have an adverse impact on the operation of the local highway network. In addition to this, crash records have been reviewed for the B3115 in the vicinity of the access for the previous 60 months. There have been no recorded collisions in this location, Highways Officers confirmed that they are confident the increase in vehicular trips as a result of the proposal will not be detrimental to highway safety.

It is noted that highways requested conditions for details of bicycle and motorcycle storage, however, in the interests of protecting the landscape setting from additional structures and due to the frequent nature of the events it is considered that these conditions would not be necessary in this instance. When the marquee is in use, it will be located on the turning circle, however, the site plans clearly demonstrate sufficient space for vehicles to turn around within the site.

Concerns were raised regarding use of Parish Council car parks and the over-flow car park in a field beyond the subject site. As it is considered that adequate car parking can be provided on site for the number of guests proposed, reference to these were removed from the scheme.

It is appreciated that there will be an increase in traffic on certain days when a function is taking place, however, it is not unusual for properties of this size to host events and whilst

residents may notice a change in circumstances on those particular days, it is considered that the use will not be detrimental to highway safety and adequate parking can be provided when required.

Sustainability:

The application proposes to retrofit the existing building and install photovoltaic panels and heat pump. These measures would be supported and encouraged by policy.

A sustainable construction statement is not required for the scale of work proposed.

Other matters:

Several concerns have been raised regarding the wedding venue website for Parish's House, this was queried with the applicant and they advised that the house and grounds will remain private to the family. As discussed earlier in this report, the assessment must be based on what has been submitted, the applicant is aware that any material change of use to the principal property will require planning permission. It is noted that residents raised concerns regarding the website mentioning 250 guests, a condition will be recommended for a maximum of 100 guests which the applicant has agreed to and will need to comply with.

Concern was raised regarding the potential for the building to be used for a wide range of uses, a condition will be recommended for the use to be only for functions and conferences as specified.

Conclusion

The proposed change of use is considered acceptable in principle. The proposal is considered to preserve the character and appearance of the surrounding landscape and the setting of the listed building. The applicant has submitted sufficient information and acceptance of conditions to demonstrate the proposal will not result in a detrimental impact to residential amenity or highways safety and parking. Concerns regarding impact to ecology and trees have been addressed and conditions recommended for mitigation and enhancement. On balance the application is considered acceptable and therefore recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Limitation on hours of use (Compliance)

The use of the site for conferences/functions hereby approved shall not operate during the hours of midnight and 9am on all days. All music and amplified noise shall cease at 11pm.
Reason: To prevent noise from the premises adversely affecting the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

3 Noise Limiter (Bespoke)

Details of a noise limiter as advised within the submitted Noise Impact Assessment shall be submitted for approval to the Local Planning Authority prior to first use as a conference/function centre. Details to include fixed location and noise limit. The noise limiter shall be installed and retained as agreed thereafter.

Reason: To prevent noise from the premises adversely affecting the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

4 Ventilation System (Bespoke)

The use hereby permitted shall not commence until details of a ventilation system has been submitted to the local planning authority for approval. The ventilation system shall be installed in accordance with the approved details prior to first use and thereafter retained as such.

Reason: To ensure that the ventilation system is appropriate for the character of the building and to safeguard the amenities of local occupiers in accordance with Policies D6 and PCS3 of the Bath and North East Somerset Placemaking Plan.

5 Building alterations (Compliance)

The conversion and façade build up shall be carried out in accordance with advice submitted within the Noise Impact Assessment under section 6.1.1 of the assessment.

Reason: To prevent noise from the premises adversely affecting the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

6 Disposal of glass bottles (Compliance)

No glass bottles shall be emptied after 22.00 or before 08.30hrs daily

Reason: To prevent noise from the premises adversely affecting the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

7 Removal of Permitted Development Rights - Use (Compliance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification) the converted building shall be used only for the purposes specified in the application - conference and function centre - and for no other purpose.

Reason: The approved use only has been found to be acceptable in this location and other uses may require further detailed consideration by the Local Planning Authority.

8 Limitation on number of conferences/functions (Compliance)

No more than 28 conferences /functions shall take place per calendar year.

Reason: To minimise disturbance from the premises adversely affecting the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

9 Limitation on number of conferences/functions (Compliance)

No more than one conference/ function shall take place on a single day.

Reason: To minimise disturbance from the premises adversely affecting the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

10 Limitation to use of outside area (Compliance)

The terrace shown on drawing PH.10.G is the only 'outside area' associated with the use and is for the use of smokers only. There will be no music externally.

Reason: To minimise disturbance from the premises adversely affecting the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

11 Removal of Permitted Development Rights (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no marquees or other free standing buildings shall be erected within the curtilage of Parish's House apart from the marquee shown on approved drawing PH.14.E, unless a further planning permission has been granted by the Local Planning Authority. The marquee as shown on the approved drawing shall be erected on no more than 24 hours in advance of use for 15 separate occasions and dismantled within 24 hours of use in any one calendar year in association with the approved conference/function use as part of the 28 day limit and will be dismantled within two days of use.

Reason: To safeguard the openness of the surrounding landscape character.

12 Amplified Music (Compliance)

No amplified music will be played within the marquee. The marquee shall be situated immediately to the east of the building, adjoining the main entrance porch as shown on drawing PH.14.E

Reason: To minimise disturbance from the premises adversely affecting the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

13 Limit to function/conference attendees (Compliance)

No more than 100 persons shall attend any conference or function held at the site.

Reason: To minimise disturbance from the premises adversely affecting the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

14 No fireworks/sky lanterns (Compliance)

There shall be no fireworks or sky lanterns released in association with any conference/function held at the venue hereby permitted.

Reason: To minimise disturbance from the premises adversely affecting the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

15 Log of conference/function attendees (Compliance)

The venue operator shall maintain a log of each and every conference/function conducted at the venue hereby permitted and the log shall detail the number of guests attending. The log, as well as booking confirmations confirming numbers of guests shall be available at all times at the request of the local planning authority.

Reason: To demonstrate number of guests does not exceed 100 to protect amenity of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

16 Amplified Music - 12 month limit (Compliance)

Amplified music is only permitted for 12 months only from date of first use, on the expiration of 12 months no amplified music shall carry on unless the applicant has first applied to remove/vary this condition and this has been granted by the Local Planning Authority.

Reason: To review impact of amplified music to the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

17 Self Closing Doors - Noise (Compliance)

The use hereby permitted shall not commence until the access doors of the premises have been fitted with a self-closing mechanism and are thereafter kept closed at all times except as required for the incidental entry or exit of users.

Reason: To prevent noise from the premises adversely affecting the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

18 Wildlife Protection and Enhancement (Pre-commencement)

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

- (i) Soft landscaping scheme to include native species planting including appropriate planting of replacement trees, shrubs and ground flora in the copse area;
- (ii) Features to benefit wildlife, to include, for example, nesting opportunities for more than one bird species; bat boxes; hedgehog homes and access features;
- (iii) Programme of remedial measures for any damage to grassland

All works within the scheme shall be carried out in accordance with the approved details prior to the first use of the development and retained thereafter.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

19 External Lighting (Bespoke Trigger)

No new external lighting beyond what has been approved within this permission shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights, details of predicted lux levels and light spill, and details of all

necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

20 External Lighting (Bespoke Trigger)

The external lighting as shown on approved drawing PH16C, shall be downlight only and switched off by 12:30am and when the venue is not in use.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

21 Precautionary working (Compliance)

Works must proceed only in accordance with the following measures for the protection of bats and birds:

- o a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, prior to any works affecting these areas
- o active nests shall be protected undisturbed until the young have fledged
- o works to the roof and any areas with concealed spaces or crevices shall be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one.
- o If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: to avoid harm to protected species (bats and nesting birds)

22 Vehicle parking limit (Compliance)

No more than 60 vehicles shall be permitted to park within the identified parking area per function/conference.

Reason: In the interests of the appearance of the development and the surrounding area and to provide adequate parking for attendees in accordance with Policies D1, D2, D3, D5, HE1 and ST7 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

23 Removal of Permitted Development Rights (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the proposed parking area will be retained with a grass surface, no additional hardstanding shall be constructed within the site boundary unless a further planning permission has been granted by the Local Planning Authority.

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

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

No development shall take place until a revised arboricultural method statement with tree protection plan following the recommendations within BS 5837:2012 incorporating all

elements of the proposal has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including, clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs including lighting and soakaways, storage, handling and mixing of materials on site, 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. 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.

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

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan.

26 Soft Landscape Scheme (Bespoke)

Within two months of the commencement of works a soft landscape scheme with plan and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority showing the species, planting size and location of six replacement trees.

Reason: to secure replacement tree planting on site in accordance with Policy NE6 of the Placemaking Plan and the fixed number tree replacement policy within the Planning Obligations Supplementary Planning Document.

27 Replacement Tree Planting (Compliance)

All replacement tree planting works shall be carried out in accordance with the approved details. The works shall be carried out during the next available planting season following completion. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure replacement trees are provided and to provide an appropriate landscape

setting for the development in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan.

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

No re-construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

29 Plans List (Compliance)

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

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

PLANS LIST:

1 Revised Drawing	13/08/2020	PH.10.G	CONFERENCE CENTRE
Revised Drawing	13/08/2020	PH.14.E	SITE PLAN
Revised Drawing	13/08/2020	PH.18.C	FIELD PARKING
Revised Drawing	08/07/2020	PH 11 J	CONFERENCE CENTRE ELEVATIONS
Revised Drawing	21/02/2020	PH.12.D	ENTRANCE AND PARKING
Drawing	29/11/2019	PH.15	PARISHES HOUSE
Revised Drawing	27/03/2020	PH16C	ACCESS AND LIGHTING
Revised Drawing	19/02/2020	PH.17.A	TERRACE RAILINGS
Revised Drawing	13/08/2020	PH.18.C	FIELD PARKING

2 Environmental Protection Act 1990

Under the environmental protection act 1990, the local authority has a duty to investigate complaints of nuisance and should a complaint be received, irrespective of planning consent, the local authority may on determination of a statutory nuisance serve a legal notice requiring any said nuisance to be abated and failure to comply may result in prosecution.

Food premises Please be aware that all food business must be registered with the food safety team at Bath and North East Somerset Council at least 28 days prior to operation

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

5 Civil or legal consents

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

6 Responding to Climate Change (Informative):

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

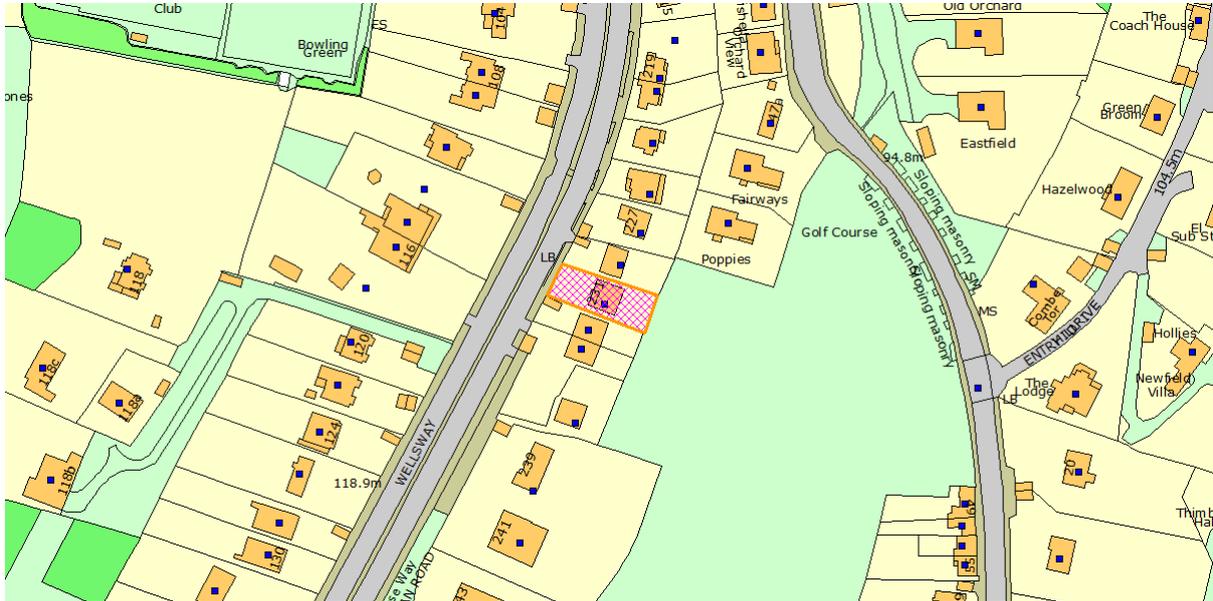
7 Permit/Consent Decision Making Statement

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

8 Informative:

When the venue is operational there shall be a members of staff present at all times to ensure effective management of the activities hereby approved and to ensure compliance with the amenity conditions

Item No: 05
Application No: 20/02333/FUL
Site Location: 231 Wellsway Bath Bath And North East Somerset BA2 4RZ



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

Ward Members: Councillor Alison Born Councillor Winston Duguid

Application Type: Full Application

Proposal: Hip-to-gable loft conversion with dormer windows to front and back, replace windows and a new roof to the front bay windows.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Mrs Clare WADSWORTH

Expiry Date: 26th September 2020

Case Officer: Isabel Daone

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

REPORT

REASONS FOR GOING TO COMMITTEE:

The application was called in by local ward councillor, Cllr Duguid should the officer be minded to permit. The officer has recommended permission as such the application was recommended to the Chair and Vice Chair of committee in line with the Scheme of Delegation.

The Vice Chair recommended the proposal be heard at the planning committee noting in her response 'I am aware of the history of this application including the recent permission granted, I note that modifications have been made as the application has progressed, as happened with the previous one, however it remains controversial & for consistency in our decision making on this site over such a short period of time it should be debated by the planning committee'. The Chair concurred with the Vice Chair that the application should be taken to committee stating in his response 'I have looked at this application, and noted the concerns raised. The committee may wish to further consider whether this roof conversion represents over development of the site, and how the scale and design might impact on the conservation area'.

231 Wellsway is a detached residential dwelling located on the southern side of the city of Bath. The site was recently granted planning permission to become a C4 HMO under application 20/0861/FUL.

The property is located within the boundary of the Bath World Heritage Site and the Bath Conservation Area.

Planning permission is sought for a hip-to-gable loft conversion with dormer windows to front and back, replace windows and a new roof to the front bay windows.

Relevant Planning History:

20/00861/FUL

PERMIT - 3 July 2020

Change of use from residential dwelling (Use Class C3) to HMO (Use Class C4)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

COUNCILLOR DUGUID's comments are summarised as follows:

- Request that the application is called into committee so that they can decide whether this application is overdevelopment for this site given the design, traffic, privacy, refuse and given the track record of the management and consultation so far
- This is the third reiteration of the application in 6 months
- Application 20/00861/FUL sought to turn a bungalow with basement into a large HMO consisting of 7 students in 4 bedrooms. Officers felt that this was overdevelopment
- Proposal was reduced to 4 students in 4 bedrooms
- Local residents feel they and the committee were misled; within a week of approval the applicant applied for a material change to the approval
- The applicant now wants to have 6 bedrooms
- Local residents have not been consulted and do not know who the intended residents will be

Objection 1:

- If accommodation for seven students was deemed overdevelopment, surely this application must be as well

Objection 2:

- As with the original application there is inadequate parking outside the premises for two cars, let alone potential 6 cars. The recent Beat and Occupancy survey (Oct 2019)

demonstrates this and goes further in calling this part of Wellsway a narrow road. Residents frequently have to drive around to find a place with a no RPZ on Wellsway as commuters start parking here soon after 7am

Objection 3:

- The building has a rear balcony. The prospect of 6 inhabitants congregating poses a potential serious noise issue and other issues of privacy, as the balcony overlooks adjacent properties

Objection 4:

- The weekly refuse collection is already fraught with difficulty as the vehicle has to block the dual carriage way, a main arterial route. Increasing the number of inhabitants in this property will simply exacerbate the current problem causing further delays and safety issues on Wellsway

Objection 5:

- The extra floor will have a significant detrimental effect on the view of Lyncombe for some residents on both sides of the Wellsway. The change to the front of the building is material in design and size

Objection 6:

- The landlord says he "wants to be a responsible landlord and work with local residents and listen to their concerns". There is no evidence of this; indeed local residents believe the opposite. The landlord has not consulted on this application, nor has he maintained the garden nor has he addressed a rodent issue.

Representations:

Objection comments have been received from 8 local residents and are summarised as follows:

- Concerns over noise, additional cars, larger quantities of rubbish and recycling
- Difficult to park on the street; many residents are young families with children
- Navigating rubbish collection days is tricky and will worsen with size additional independent residents living in one property
- More waste than a family home
- Possible six cars
- Unlikely students would use public transport rather than their own vehicles as there is no direct bus route to the university from this area
- Unsocial noise amplified across the valley
- Property only has planning permission for 4 students due to concerns over parking, noise and recycling
- The balcony overlooks our garden and our privacy would be compromised by having 6 students next door
- The property is not being maintained and the garden is overgrown and there is a rodent issue
- This is not a garden that students would maintain
- The property is not on a direct University busy route so why would students rent this property when there is so much better elsewhere in Bath?
- The application is opportunist with no regards to the neighbours
- There has been no contact from the owner
- The council is awaiting further guidance on parking for HMO's which in all probability would mean refusal of this application
- The parking situation is intolerable

- The only viable outside space is a high-level verandah looking down from head level into neighbours gardens
- Intrusive and will cause noise nuisance both here and across the valley to Entry Hill
- The proposed loft conversion will impact our view over the Lyncombe Vale
- Loft conversion will exceed the limit of four residents which was approved under 20/00861/FUL
- White lines have been painted on the road to indicate the parameters of parking, but these are often ignored
- The stipulation made in granting permission under 20/00861/FUL that bicycle storage for two or more cycles be provided is wholly inadequate

POLICIES/LEGISLATION

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

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

Core Strategy:

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

- B1: Bath Spatial Strategy
- B4: The World Heritage Site and its Setting
- CP6: Environmental Quality
- DW1: District Wide Spatial Strategy
- SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

- D1: General urban design principles
- D2: Local character and distinctiveness
- D3: Urban fabric

D5: Building design
D6: Amenity
H2: Houses in multiple occupation
HE1: Historic environment
ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

SPD's:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

The Houses in Multiple Occupation in Bath Supplementary Planning Document (July 2013) is also relevant in the determination of this planning application.

Conservation Areas:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

The site is within the built up area of Bath where the principle of development is acceptable subject to other material planning considerations discussed below.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

CHARACTER AND APPEARANCE:

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

The proposal is for a hip-to-gable loft conversion with a front and rear dormer, as well as replacement windows and new roofs to the bay windows. The application site was granted permission to change its use from a C3 dwellinghouse to a C4 HMO under application 20/00861/FUL.

The loft conversion will see the property's roof change from a hip to a gable. The case officer had concerns regarding the roof height as it made the property look somewhat unbalanced from the front elevation. The plans were revised to retain the hipped roof and alter the dormers to pitched roof dormers. However, having had the builder onsite, this roof design was found to be unviable. Therefore, the hip-to-gable conversion was re-proposed. The applicant has reduced the roof height by 0.5 metres. This has the advantage of making the property appear more balanced from the front elevation. Although many of the properties in this area feature hipped roofs, there are examples of gabled roofs and as such, it is not considered that the proposal would harm the visual character of the locality.

Dormers are proposed to both the front and rear elevations. It was originally proposed that these dormers would be clad in timber. The case officer had significant concerns regarding the scale of the front dormer and the use of these materials. The materials have been amended to tiles to match the existing roof which will allow both the front and rear dormers to blend better in to the roofscape. Although the rear dormer is large, it is contained to the rear and there will be limited views from the street scene. It also fits well within the roof plane and is subservient to the main roof. The front dormer has been reduced in width from approximately 7 metres to 4 metres. The reduction in width of 3 metres reduces the visual dominance of the front dormer which, given its visible location, is considered positive.

The site is within a Conservation Area. There is a duty place 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. Flat roof dormers to the front elevation of properties would generally not be supported within the Conservation Area. However, regard must be given the character of the part of the Conservation Area within which the dwelling sits. There are many properties within the locality which feature front and side dormers, which are visible from the Wellsway. These vary in design and scale. Therefore, it is not considered that the addition of a dormer window to the front elevation of this property would cause harm to the character of this part of the Conservation Area and would preserve it. The proposal would therefore comply with Policy HE1.

WORLD HERITAGE SITE:

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the 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 D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Concerns have been raised regarding the increase in the number of occupants from 4 (as proposed through the change of use permission 20/00861/FUL) to 6 under this application through the addition of bedrooms. Cllr. Duguid has raised that if 7 occupiers was considered too many and overdevelopment (as per originally proposed under application 20/00861/FUL) then 6 must also be considered so. It is important to note that the originally submitted application (20/00861) sought to have 7 occupiers living in 4 bedrooms which was considered overdevelopment. This was reduced to 1 occupier per bedroom. It is important to note that permission was granted to change the use of the C3 dwellinghouse to a C4 HMO under application 20/00861/FUL). There is no condition attached to this permission to restrict the number of occupants within the property. As such, this use class allows up to six unrelated occupants to reside within the property. The addition of bedrooms under this application does therefore not require a change of use, nor does it change the number of applicants who could live at the property as existing.

The proposal will add 2 bedrooms to the property; 3 will be located within the newly developed roof-space, 2 on the existing ground floor and one on the lower ground floor. The primary living spaces (lounge and kitchen) will be located on the ground floor. It is not considered that the proposed loft conversion and addition of two bedrooms represents an overdevelopment of the site. As existing, the property could be used for 6 occupiers. Each room is of a relatively good size for occupiers and the development does not appear cramped and contrived within the site.

Local residents have raised concerns regarding additional noise and disturbance which will come from the property as a result of the additional occupiers. The use of the balcony is a particular concern. The balcony is existing at the property and there are no plans within this application to extend this space. As the site could be resided in by up to six occupants currently and the balcony is existing, it is not considered that the proposal would cause additional privacy or noise issues in this respect than can currently occur at the property. A refusal reason on this basis is considered by the case officer to be unreasonable.

In regard to additional noise and disturbance, concern largely relates to the property being used by students. Cllr. Duguid notes that the landlord has not stated who the intended residents are. Whilst it is possible that the dwelling can be occupied by students, an HMO allows for the property to be resided in by unrelated individuals; these may also be

working professionals and non-students. Planning cannot condition that a certain group of people be excluded to residing in an HMO as this is considered to be discrimination.

Whilst the occupiers of an HMO may have different patterns of behavior to a single family unit, there is no evidence to suggest that the proposed increase in bedroom numbers would be materially different from the existing four bedroomed HMO, which could accommodate up to 6 occupiers. If noise and disturbance were to become an issue, this would be a matter for Environment Health or the Police.

It has also been commented that the landlord does not currently maintained the garden which is unsightly and has caused a rodent issue. Residents are concerned that future occupiers will not maintain the space. Planning cannot control garden maintenance and it is the responsibility of the land-owner and occupiers to maintain the garden and the property. There is no evidence to suggest that future occupiers would not maintain the garden area.

The amount of waste produced by the property is also of concern. The property is already an HMO which could be used by 6 occupiers. Given this, it is not considered that the proposal would result in a significant increase in the amount of waste produced at the property. If waste were to become an issue, the Council's Environmental Protection Team may be able to investigate any future complains under separate legislation available to them and, where necessary, take any appropriate action.

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 SAFETY AND PARKING:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

Officers acknowledge that the property is within a residential area that has a high demand for on-street parking and the availability, often, does not meet the current demand. Local residents have raised concerns that the additional bedrooms will exacerbate current issues in terms of parking, highway safety and waste collection.

Bath and North East Somerset Council does not currently have adopted parking standards for HMOs. As existing, the property could be occupied by up to six people. There is evidence from surveys carried out by the Department for Communities and Local Government which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households which would reduce the need for parking.

The recent Beat and Occupancy survey (Oct 2019) are noted, however, without adopted parking standards for HMOs, it is difficult to demonstrate that a marginal increase in the number of bedrooms of the existing property (which could already have up to six occupiers) will result in a demonstrable increased demand for parking within the local

area. The minimum parking standards typically do not apply for house extensions alone as the impacts are not considered to be demonstrably significant.

The site is located in a sustainable location with a good access to a range of services, facilities and public transport links where car use is less encouraged. A number of residents have noted that there is no direct bus route to the university from this location and as such, the occupiers would be more likely to drive. Officers consider that there are still sustainable transport methods to get access to the university from this location even though there is no direct route. In addition, the occupiers of the HMO are not limited to students and as such, access to the university via direct bus link may not be required.

Residents have also raised that people often park illegally, resulting in difficulty accessing drives and garages. Illegal parking should be reported to the relevant authority who will, where necessary, take appropriate action.

Concerns have also been raised that an increase in cars would make it difficult for waste to be collected, as waste lorries already block the dual carriageway during this time. It is not considered that the addition of two bedrooms to the HMO would cause unacceptable additional harm in this respect, for the reasons outlined above.

Bicycle storage will be secured via condition as per the previous application.

Paragraph 109 of the revised National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts will be severe. For the reasons outlined above, it is considered that refusal on the basis of highways grounds would be unreasonable and contrary to Paragraph 109 of the NPPF.

OTHER MATTERS:

It has been raised that there has been no communication from the landlord regarding the application. Although this is regrettable, there is no planning system in place which requires the landlord to discuss proposals with residents and the planning department cannot force the applicant to do so.

It has been raised that views of the vale will be restricted. It should be noted that residents do have a "right to a view". Whilst there are views of the vale from the road side, the proposal is not considered to significantly inhibit this. The addition of a gabled roof will reduce the view which is currently available, however the roof height has been reduced from the existing roof peak. It is not considered that the reduction of this view would cause harm to the visual amenity of the locality.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least two bicycles has been provided within the site. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy ST7 of the Placemaking Plan for Bath and North East Somerset.

3 Materials (Compliance)

All external hanging tiles to be used on the dormer windows shall match the existing roof in respect of material and colour.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.1, D.2, D.3, D.5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

4 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Site Plan. Received 7th July 2020
Proposed First Floor Plan. Received 2nd September 2020
Proposed Front Elevation. Received 2nd September 2020
Proposed Ground Floor Plan. Received 2nd September 2020
Proposed Left Elevation. Received 2nd September 2020
Proposed Lower Ground Floor Plan. Received 2nd September 2020
Proposed Rear Elevation. Received 2nd September 2020
Proposed Right Elevation. Received 2nd September 2020

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

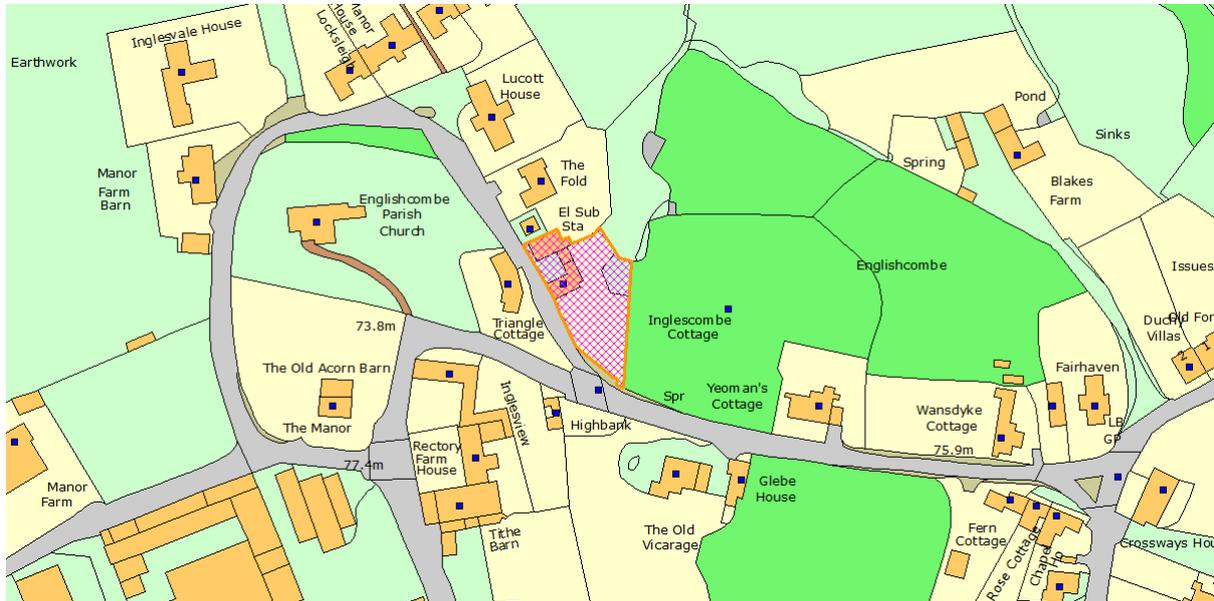
4 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

5 Responding to Climate Change (Informative):

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

Item No: 06
Application No: 20/01688/FUL
Site Location: Inglescombe Cottage Church Lane Englishcombe Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Englishcombe **LB Grade:** N/A

Ward Members: Councillor Neil Butters Councillor Matt McCabe

Application Type: Full Application

Proposal: Garage conversion for additional living accommodation as an annex to the existing house.

Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy HE2 Somersetshire Coal Canal & Wa, Housing Development Boundary, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Sian Jones

Expiry Date: 25th September 2020

Case Officer: Isabel Daone

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

REPORT

REASONS FOR GOING TO COMMITTEE:

Englishcombe Parish Council objected to the proposal. The officer has recommended permission. As per the Scheme of Delegation, the application was referred to the Chair and Vice Chair of Committee.

The Vice Chair delegated the decision to officers noting that 'I have studied the application carefully including all comments & related information, the proposal is to convert the existing garage into living accommodation as an annex to the existing house & some comments do not focus on the proposal as presented. The application has been assessed against relevant planning policies particularly linked to Green Belt & Conservation area, Highways have considered the concerns regarding parking. The application does not contravene policy & therefore, with the inclusion of the suggested conditions as in the Officers recommendation, the application should be delegated to Officers for decision.'

However the Chair recommended the application be heard at committee stating in his reason; 'I have looked at this application, and the concerns raised. Officers have responded to most of those concerns, however the committee may wish to further comment on the proposed roof design, as this property sits within a conservation area and within the visual linkage of the Grade 1 listed church.'

The application refers to a detached dwelling with a detached outbuilding which is currently used as a double garage/workshop. The site is located within the Green Belt and Englishcombe Conservation Area.

Planning permission is sought to convert the existing garage/workshop to ancillary living accommodation.

Relevant Planning History:

01/01166/FUL

PERMIT - 28 June 2001

Two-storey rear extension and single-storey garage extension

04/03102/FUL

REFUSED - 24 November 2004

Two storey rear extension

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

ENGLISHCOMBE PARISH COUNCIL:

The comments of Englishcombe Parish Council are summarised as follows:

- Objection on the grounds the application does not comply with policies GB3, ST7, D1, D2, D3, D4, D5, D6, D10, GB1, NE2, HE1, PCS7 and PCS7a of the Core Strategy and Placemaking Plan. It is also contrary to policies P&D3 and T&M1 of the Englishcombe Local Plan.
- Overdevelopment of the site; cottage already extended to a 5-bedroom house with separate garage. The additional residential space is considered a disproportionate addition over and above the size of the original host building, contrary to GB3.
- Due to the loss of a parking space and increased need for parking with the extra residential use, highway safety is prejudiced

- Church Lane is a principal access through this part of the village and additional residential premises in this location will exacerbate the existing parking difficulties impacting on access and egress to surrounding properties and road users of Church Lane
- Therefore, contrary to policy ST7 and T&M1
- Contrary to D1 because the proposal makes it more difficult cars and road users to navigate Church Lane
- Contrary to policy D2 as it will increase residential density which is detrimental to the character of the village and site context in this location
- Contrary to D3 as it decreases highway safety as it doesn't provide a safe and high-quality route for road users
- Contrary to D4 - increased need for surface parking with the loss of a garage parking space and Church Lane will become a poorer quality route
- The proposal is not compliant with D5 as by the way of its design and the use of cladding which does not complement the host building or relate well to the public realm
- Due to the annex's location in relation to neighbouring properties, it doesn't comply with policy D6 because of increased traffic and overlooking. The lack of natural light and outlook from the small proposed windows also doesn't meet the requirements of D6
- The overall impact of this non-compliance with this range of design policies means that this development doesn't enhance the public realm; therefore, D10 is not met
- The proposal is detrimental to the Greenbelt, Landscape character and Conservation Area, contrary to GB1, NE2 and HE1. It is also contrary to P&D3 of the neighbourhood plan.
- Concerns regarding drainage. Drainage for the host building is a septic tank, close to the local watercourse. To meet policies PCS7 and PCS7A, separate and adequate drainage would need to be incorporated into any development of the garage into a residential facility
- If the officer is minded to approve, the Parish would request that the annex must remain ancillary to the main dwelling and not be used for any other purpose such as holiday accommodation. Future change of use should be subject to full planning. Also request the application goes to the Planning Committee.

DC HIGHWAYS:

- The number of bedrooms from which Inglescombe Cottage currently benefits is unknown, however, plan reference 002 indicates that it benefits from two existing off-street, car parking spaces, in the form of a double garage, albeit of sub-standard internal dimension when compared to the required 6-metres by 6-metres. Previously the provision of two off-street, car parking spaces was deemed appropriate for the cottage.
- The proposed one-bed annexe, which is proposed to be a holiday let, requires the provision of an additional off-street, car parking space to accord with the requirements of the authority's adopted parking standards. Plan reference 003 indicates that the applicant proposes to retain a single off-street, car parking space in the form of a garage, the length of which falls below the required minimum of 6-metres.
- The combined existing cottage and proposed holiday let require the provision of three off-street, car parking spaces and the proposals suggest that, effectively, three parking activities will be displaced onto the adopted public highway, which could affect

highway safety and/or residential amenity, contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan (2017).

- The applicant should be requested to submit a plan which demonstrates that they are able to safely provide the required three off-street, car parking spaces and they should be reminded that garages are included within the prescribed minimum standard provided they have internal dimensions of 6-metres by 3-metres and that 'standard' off-street car parking spaces shall be a minimum of 2.4-metres by 4.8-metres.
- The applicant should also be reminded that the proposed holiday let requires the provision of secure, covered cycle parking for a minimum of two bicycles.
- Policy RE7 of the Bath and North East Somerset Placemaking Plan also requires the applicant to demonstrate that new visitor accommodation is in a suitable location or accessible by a choice of transport modes.

Representations Received :

Objection comments have been received from 4 local residents and are summarised as follows:

- Triangle Cottage is only separated from the proposal by the width of Church Lane. The front elevation of our property is located 6.36m from the garage and only 3.8m from the hard standing to the front of Inglescombe Cottage
- The change of use to living accommodation will enable it to be used as additional accommodation for those living at Inglescombe Cottage or used as a separate entity such as a short-term holiday let, through agencies such as Air BnB
- Additional noise and disturbance close by due to the comings and goings from additional accommodation, some of which may be at anti-social hours if used as a short-term holiday let. This could constitute a nuisance
- The absence of a separate garden for the annex may result in the installation of outdoor seating located on the hard standing between the conversion and our property looking directly into our ground floor rooms impacting privacy
- Increased pressure on parking and difficult access to and from the parking area at Inglescombe Cottage may result in excess cars being parked on the narrow lanes which are insufficiently wide for on-road parking, risking obstruction
- Due to the rural location of the village (in a conservation area), dependence on cars and limited bus services, increased traffic in and out of the village along narrow lanes which do not have pavements to ensure the safety of pedestrians, animals, cyclists etc
- If the council are include to support the application, we would ask that some caveats are applied - the annex cannot be sold or rented separately to the main house to generate two separate properties, further development in the form of a second storey of extension beyond its current footprint is not allowed
- The proposed window on the north-west elevation looks directly into our garden. We have mature trees and shrubs very close to this elevation wall we do not want to move
- The two windows on the north west elevation look directly into our guest bedroom and lounge window
- Concerned about limited parking and accessibility onto Church Road
- I have little reservation against the proposed plan as it currently stands, however, there are one or two concerns that I would like to bring to the attention of the Parish Council.
- 4 cars on the drive would leave little room for maneuvering; already dangerous with vehicles getting in and out

- I object strongly to the future further proposal that would see the property developed into a two-storey residence or be allowed to be developed further under permitted development. If granted there should be a restriction to prevent future development beyond what is proposed
- Block Plan is inaccurate
- Site notice has been posted on the wrong residence
- The change of use will create 2 separate dwellings

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:

CP6: Environmental Quality

CP8: Green Belt

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

GB1: Visual amenities of the Green Belt

GB2: Development in Green Belt villages

GB3: Extensions and alterations to buildings in the Green Belt.
HE1: Historic environment
ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

SPD's:

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

Neighbourhood Plans:

The following Englishcombe Neighbourhood Plan policies are relevant to this application:

P&D3
T&M1

Conservation Areas:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

GREEN BELT:

The application site is located in Englishcombe which is washed over by the Green Belt. The Parish Council has raised that the proposed development would result in a residential space disproportionate to the original building. The building which is to be converted to a residential annex is already in situ and forms the existing garage/workshop. No extension to this building is proposed. Whilst it will form an extension to the residential space of the dwelling, Policy GB3 relates to physical extensions over and above the original dwelling. No increase in size or volume will occur to the property as a result of the change of use and as such, the proposal complies with policy GB3.

In addition, the Parish have raised that the proposal would be detrimental to the visual amenities of the Green Belt, contrary to Policy GB1. The external changes to the

dwellinghouse are limited to the replacement of one of the garage doors with timber cladding and a regular door and the addition of roof lights and windows. These are considered to be minor visual changes. The annex will form an ancillary use to the main dwelling and as such, associated residential paraphernalia is likely to be commensurate with this use. Therefore, the proposal is not considered to cause harm to the visual amenities of the Green Belt and is considered to comply with policy GB1 of the Placemaking Plan.

Officers are satisfied that the proposal is acceptable in regard to Green Belt.

Policies D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of the development and its impact on the character and appearance of the host buildings and wider area. Development proposal will be supported, if amongst other things, they contribute positively to and do not harm the local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building. The proposal site is within the Conservation Area. Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting. There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

In regard to external changes, the application seeks to removed on of the garage doors and replace it with timber cladding, an additional window and a front door. In addition, roof lights are proposed on both roof slopes as well a window on the north-east elevation.

The small use of cladding has been raised as out of character. However, it is considered acceptable in this location given that it is replacing a garage door and not stonework. A condition will be added to the decision notice for a sample of the cladding so that the colour and finish can be fully assessed. The other proposed changes are considered to be minimal and will not be detrimental to the character of the existing building or local context. Although roof lights are not common, there are examples which can be seen from the road. Those within the roof slope of the annex are relatively small. The proposal site is within the locality of a Grade I Listed Church. However, the proposal site is located some 50m away from it and it is not considered that the minimal external changes will have any impact on this building. It is considered that the proposal would at least preserve the character of this part of the Conservation Area and would therefore comply with Policy HE1 of the Placemaking Plan.

It has also been raised that the proposal is detrimental to landscape character and therefore contrary to policy NE2. Given the minimal external changes which will be occurring which are confined within the existing curtilage and built form, it is considered that the proposal would at least preserve the landscape character of this area and the proposal would therefore comply with policy NE2.

RESIDENTIAL AMENITY:

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

The residential amenity of the neighbouring occupiers has been considered.

Occupiers of Triangle Cottage are concerned regarding the proximity of the proposal site with their dwelling and the additional noise and disturbance which may occur as a result. The proposal is for a residential annex, ancillary to the main dwelling. The applicant has confirmed the use will be ancillary and this will be secured via planning condition. Whilst there is the potential for an increase in noise from the building, due to its newly proposed residential use, it is considered that this would be commensurate with its residential use, as an extension to the main dwellinghouse. It would not be a separate residential unit and could not be used as such if a planning condition was put on the decision notice as above. Should nuisance occur, this would be a matter for Environmental Protection.

It has also been raised that the proposed annex does not have a separate garden and a seating area may be formed on the front tarmac driveway which would provide a view into the windows of the cottage on the opposite side of the road. The proposed unit will be ancillary to the main dwelling and the lack of outdoor amenity space means it will have a functional reliance on the main dwelling in this regard and will share its garden space. Residents of Inglescombe Cottage could place garden furniture on their front tarmac at any time without the need for planning permission and as such, this consideration has been given limited weight.

Neighbours are also concerned that the additional windows will cause overlooking and privacy issues. The window on the north-west (rear) elevation in the garage is an existing window. This will continue to serve a garage area and as such, there is no change to the existing arrangement in terms of overlooking. Roof lights are proposed on this elevation, however these will be angled so that they do not provide a direct view into the adjacent properties. The newly proposed window on the north east elevation will face into the garden of Inglescombe Cottage and will provide some view into the neighbouring garden. However, the window is at ground floor level and the vegetation in situ provides some screening. Inglescombe Cottage has side elevation windows which have a view towards this property. The proposed window on this elevation is not considered to cause a level of harm which would warrant a refusal reason on this basis.

It is considered that the level of light within the annex will be sufficient, given the roof lights and the newly proposed windows. These will provide some outlook to the garden.

Therefore, the proposed development is considered to be compliant with policy D6 of the Placemaking Plan.

PARKING AND HIGHWAY SAFETY:

A number of concerns have been raised regarding highway safety and parking concerns.

DC Highways were consulted on the application. Their comments noted that the proposal will remove a space from the garage. Having measured the internal dimensions of the

garage as existing, the garage is of insufficient dimension to count towards the parking provision at the dwelling.

There has been some confusion within the highways comments that the proposal will be a separate holiday let and therefore is not parking policy compliant. The proposed accommodation will be used ancillary to the main dwelling and as such, does not require cycling spaces or its own parking provision. The applicant has submitted a corrected block plan which shows that four cars can be accommodated on the driveway. Houses with 4+ bedrooms require 3 spaces and as such, there is a surplus of parking at the property even which the removal of garage spaces. There have been a number of concerns raised regarding parking off-street in the area. However the development is policy compliant in terms of the amount of parking it is providing and it is not considered that a severe cumulative impact on the road network will occur as a result of the development and as such, a refusal reason on this basis would be unreasonable. The proposal is considered to provide adequate parking in line with policy ST7 and T&M1. The surface parking area is not increasing and therefore the quality of the route is maintained in line with policy D4.

ANCILLARY ACCOMODATION:

The proposal is considered to be sufficiently ancillary to the main dwelling. The proposal does not include a kitchen area, nor a garden area and as such there is a functional reliance on the main dwelling. This can also be controlled via a planning condition. Given the identified functional reliance it is considered that it is reasonable to add this condition to the decision notice.

OTHER MATTERS:

It has been commented that the site notice was posted next to the wrong property. The site notice was posted within the vicinity of the site in a location which was viewable from the public realm. The block plan has been corrected to accurately portray the site, which was an issue raised by a local resident.

Englishcombe Parish Council have commented that separate and adequate drainage needs to be provided to comply with policies PCS7 and PCS7A. Given the scale of the development it is considered that drainage will be dealt with through Building Regulations and a proportionate approach has been taken.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Ancillary Use (Compliance)

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Inglescombe Cottage, Church Lane, Englishcombe, Bath and North East Somerset BA2 9DU; and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan.

3 Removal of Permitted Development Rights - No Windows (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the north-east (rear) elevation at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

4 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

004. Proposed Elevations. Received 15th May 2020

001A. Location and Block Plans. Received 6th August 2020

003C. Proposed Ground Floor Plan. Received 24th July 2020

2 Permit/Consent Decision Making Statement

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

3 Responding to Climate Change (Informative):

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

4 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.

5 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Item No: 07
Application No: 20/01999/FUL
Site Location: 88 The Oval Southdown Bath Bath And North East Somerset BA2 2HE



Ward: Moorlands **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Jess David
Application Type: Full Application
Proposal: Change of use from dwelling (Use Class C3) to 6-bed house in multiple occupation (HMO) (Use Class C4).
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Jak Homes Ltd
Expiry Date: 28th August 2020
Case Officer: Dominic Battrick
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. Cllr Jess David, ward member for Moorlands, requested that should officers be minded to permit the application, the application be called in for determination by the Planning Committee. Planning policy reasons were given by the ward councillor in objection to the application, contrary to officer recommendation.

The Vice Chair, Cllr Sally Davis, has made the following comments:

"I have looked at the application including the history of the site, I note the Ward Cllr planning committee request & third party consultee objection comments. The concerns raised, which are relevant to planning & therefore must be considered, have been assessed against relevant planning policies as the report explains. As the application is policy compliant I recommend the application be delegated to Officers for decision."

The Chair, Cllr Matt McCabe, has considered the application and the recommendation of the Vice Chair and decided that the application will be determined at Planning Committee, commenting as follows:

"A condition of the conversion of this site to HMO was that occupancy be restricted to 5 persons. This application seeks to overturn that condition. The committee may wish to further explore the reasons for imposing that condition, and whether this application meets those tests or not."

DESCRIPTION OF SITE AND APPLICATION:

88 The Oval is a two-storey semi-detached house with an adjoining shed and single garage located within a residential area in the Moorlands ward of Bath. The property is outside Bath Conservation Area but within the City of Bath World Heritage Site. The site is subject to the article 4 direction in Bath restricting the change of house of C3 dwellinghouses to C4 houses in multiple occupation (HMO).

Planning permission was granted under application 19/02207/FUL for the change of use of the property from a 5-bedroom dwellinghouse (Use Class C3) to a 5-bedroom HMO (Use Class C4). This was found to be compliant with policy, including the tests contained within the Council's adopted HMO Supplementary Planning Document. The permission included a condition restricting the house to 5 unrelated occupants as per the proposals of application 19/02207/FUL.

The applicant is now seeking to change the house to a 6-bedroom HMO through internal conversion works. While this use also falls within Use Class C4, further permission is required by virtue of the restrictive occupancy condition.

RELEVANT PLANNING HISTORY:

19/02207/FUL - PERMIT - 1 August 2019 - Change of use from C3 dwelling to C4 HMO (5 Bed).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION RESPONSES:

Highways DC: No objection subject to conditions.

Environmental Protection: No comments.

OTHER REPRESENTATIONS / THIRD PARTIES:

15 objections received from neighbours. The comments are summarised as follows:

Change of use:

- There is already a high concentration of HMOs in the area.
- There are considerable number of HMOs in the Oldfield Park/Southdown area.
- The area is suited to families.
- HMOs inflate house prices in the city and force families to live further afield.
- There may be a reduction in student numbers in 2020, resulting in lower demand for student housing.
- A home for 6 adults is not comparable to a family home.
- Increased strain on public services.
- Reduced council tax income

Parking and highway safety:

- The development will add further pressure on parking in the area. There is already insufficient parking for the demand.
- The high demand for residents parking results in vehicles blocking the pavement and bus route on The Oval and reducing highway visibility.
- The area is not well served by public transport as the route is served by a small bus that runs every half hour.

Amenity:

- HMOs regularly result in problems of noise and waste.
- This is a quiet residential area for families and elderly residents.

Bath Preservation Trust have commented on the application. The main points are summarised as follows:

- The proximity of the property to local schools makes it attractive and appropriate for families. The change of use would result in the loss of suitable family accommodation.
- Approval of the application would maintain an undesirable precedent.

Cllr Jess David has objected to the application, making the following comments:

"I object to this application. I am concerned that by extending the existing HMO from 5 to 6 bedrooms it will have a negative impact on the surrounding road. There is already a significant parking problem around the Oval with cars parked on the pavement and grass verges.

The application states that the house has 4 off-street car parking spaces. It is not clear to me from the diagrams that this is the case, and I am concerned that 6 individuals residents will generate a higher number of cars.

In my view this is contrary to the need to ensure adequate off-street parking provision is retained as set out in policy ST7 of the Bath and North East Somerset Placemaking Plan.

As you know this states that there should be no increase in on-street parking in the vicinity of the site which would affect highway safety and/or residential amenity.

Furthermore I am concerned about the loss of family homes on the Oval and the pressure that increasing numbers of HMOs (and increasingly large) puts on local services."

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:

DW1: District Wide Spatial Strategy
B1: Bath Spatial Strategy
B4: The World Heritage Site and its Setting
CP6: Environmental Quality
CP10: Housing Mix

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
HE1: Historic Environment
H2: Houses in Multiple Occupation
ST1: Promoting Sustainable Travel
ST7: Transport requirements for managing development

NPPF:

The adopted National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration due significant weight. The following sections of the NPPF are of particular relevance:

Section 9: Promoting Sustainable Transport
Section 12: Achieving well-designed places
Section 16: Conserving and enhancing the historic environment

Due consideration has also been given to the provisions of the National Planning Practice Guidance (NPPG).

SPDs

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

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013)

The Bath City-wide Character Appraisal (August 2005)

The Houses in Multiple Occupation in Bath Supplementary Planning Document (November 2017)

Low Carbon and Sustainable Credentials

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PLANNING ISSUES:

The main issues to consider are:

- Principle of Development
- Parking and highway safety
- Residential amenity
- Character and appearance
- Other matters

OFFICER'S ASSESSMENT:

Principle of Development:

The principle of converting the house from a C3 family dwellinghouse to a C4 HMO was established under extant permission 19/02207/FUL and that could be implemented..

However, as it is understood that the previous change of use has not yet been implemented, the tests have been carried out in respect of this current application.

The determination of whether the change of use of a dwelling in C3 use to a HMO in C4 use will have an unacceptable impact on the surrounding area is primarily assessed via the tests outlined in The Houses in Multiple Occupation in Bath Supplementary Planning Document, as amended and adopted in November 2017.

Criterion 1 aims to prevent negative impacts to immediate neighbours caused by this particular change of use. Applications for this proposed change of use will not be permitted where it would result in any C3 residential property being 'sandwiched' between two HMOs. This criterion also aims to ensure balance at street level.

Criterion 2 aims to restrict HMOs in areas of a high concentration of existing HMOs, to prevent harmful impacts resulting from an imbalance of HMOs within residential areas. The Stage 1 Test of Criterion 2 examines whether the application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 10% of households. If outside of this test area, the test and criterion is passed. If the property is within the Stage 1 Test area, or within a 50 metre buffer of this area, the Stage 2 Test is conducted, whereby applications for this proposed change of use will not be permitted where HMO properties represent more than 10% of households within a 100 metre radius of the application property. These tests are explained further within the SPD.

The Council's spatial data indicates that the change of use will not result in any adjacent properties being sandwiched between two HMOs, complying with the sandwiching policy outlined under Criterion 1. The property is outside the Stage 1 test area and its 50 metre buffer, complying with Criterion 2. It is also noted that records indicate 1 existing HMO within a 100 metre radius out of 99 residential properties, equating to 1.01%.

It therefore remains the case that the site is not within a high concentrated area and the change of use complies with policy H2 of the Placemaking Plan and the tests contained within the HMO SPD, and the proposed change of use is acceptable in principle, subject to considerations of parking and amenity.

Highways Safety and Parking:

Concerns have been raised over the increased demand for parking in association with the property that would result from the proposed change of use from a 5 bedroom family home to a 6 bedroom HMO. The shortage of street parking in the area and the impact of parking on traffic movements and highway safety are of concern.

Policy ST7 requires that an appropriate level of on-site vehicle and cycle parking is provided, and that there should be no increase in on-street parking in the vicinity which would affect highway safety or amenity. This is primarily assessed through the Council's

adopted parking standards. While there are no parking standards specifically for HMOs, new dwellings of 4 bedrooms or more require a minimum of 3 spaces.

A site plan has been submitted indicating 4 parking spaces on the driveway meeting the minimum dimensions of 2.4m by 4.8m. The garage to the side of the house is to be retained and can provide a parking space. This represents a reasonable off-street parking provision, particularly given that HMOs in Bath are predominantly located in areas with street parking only.

The highways officer was consulted and has raised no objection to the proposals, concluding that the addition of one bedroom will not result in an unacceptable increased demand for parking or a demonstrable adverse impact on local highway conditions. Paragraph 109 of the National Planning Policy Framework states that development should only be refused on these grounds where there would be a demonstrable unacceptable impact, or where the residual cumulative impacts on the road network would be severe.

The Highways Officer has requested details of dedicated secure cycle parking. A site plan has been provided by the applicant indicating that the required storage will utilise the existing shed between the house and the garage.

Finally, it is considered that the site is in a sustainable location with good access to a range of services and facilities. In terms of bus links, there is a bus route that passes through The Oval and there is a busier bus route within a short walking distance nearby at Coronation Avenue.

Overall, the proposed development complies with policy ST7 of the Placemaking Plan.

Residential Amenity

Policy D6 sets out to ensure developments provide an appropriate level of amenity for occupiers of the development and surrounding properties in terms of privacy, outlook and natural light, and that significant harm is avoided to private amenity by reason of loss of light, increase noise, smell, overlooking, traffic or other disturbance.

Comments have been made regarding the impact of HMO uses on the amenity of neighbouring properties through noise and disturbance and waste accumulation. It has been suggested that the proposed use is incompatible with surrounding family and elderly homes.

The SPD recognises that the cumulative impact of HMOs on neighbouring properties could significantly impact upon the residential amenity of the property as well as character of the area. C3 dwellinghouses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and times and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements. The comings and goings of the occupiers of a HMO are likely to be less regimented and occur at earlier and later times in the day than a C3 family home, and may well consist of groups engaging in evening or night time recreational activity. Such a change of use can therefore be expected to increase comings and goings, noise and other disturbance compared to a

C3 use. Individually, HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect.

Residential amenity was cited as the reason for the restrictive occupancy condition of application 19/02207/FUL. The condition did not conclude that additional occupants would be harmful only that additional occupancy should be further considered. While it is acknowledged that a large sui generis HMO may result in a more pronounced adverse impact on amenity for neighbours, the C4 use class allows up to 6 unrelated occupants, as is proposed under this current application. The additional occupancy that would result from 1 additional bedroom will not result in a demonstrable impact and would not cause harm that could warrant refusal.

Therefore, it is included that the proposed development will not have a significant impact, particularly over and above the extant permission.

Character and Appearance:

Policy D1, D2, D3 and D5 of the Placemaking Plan require proposals to have regard to the character and appearance of the development and its impact on the character and appearance of the host dwelling and wider area. Development proposals are expected not to harm local character and distinctiveness. Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

External alterations to the house proposed as part of the change of use are limited to the installation of two small windows on the rear elevation to match the proportions and alignment of the existing windows. The replacement of the integral garage door with casement windows to match the first floor directly above was approved under application 19/02207/FUL. The development will not harm the character and appearance of the host building and its surroundings.

The proposed development is located within the Bath World Heritage Site, where policy B4 of the Core Strategy states that consideration must be given to impacts on the heritage asset and its setting. The development will not result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity.

The proposal is therefore in accordance with policies B4 and CP6 of the Core Strategy, policies D1, D2, D3, D5 and HE1 of the Placemaking Plan and sections 12 and 16 of the NPPF.

Other Matters:

Several representations received have raised concerns over the loss of the C3 dwelling, due to the desirability of family homes in this location and whether another HMO is necessary in this location due to demand and availability elsewhere.

Very little weight can be given to these matters as the principle of converting the house to a HMO in C4 use has already been established; the property has extant permission to convert to a 5-bedroom HMO as a fallback position.

Notwithstanding this consideration, housing mix is encouraged through the HMO SPD and the adopted local policies H2 and CP10. HMO policy is intended to drive further HMO development away from areas that are already saturated to prevent a further imbalance.

Furthermore, the matters relating to the impact on housing market prices and council tax generation are not material planning considerations.

CONCLUSION:

The proposed change of use of the house from Use Class C3 to Use Class C4 is acceptable in principle, complying with adopted policy. The proposal will not result in a demonstrable adverse impact on highway safety or residential amenity, both in relation to the existing use and over and above the approved 5-bedroom HMO. It is therefore recommended that the application is approved.

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 Bicycle Storage (Compliance)

No occupation of the development shall commence until bicycle storage for at least two bicycles has been provided in accordance with the Site Plan, drawing number 147-20, received 1st September 2020. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

3 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Site Location Plan - 140-00

Existing Ground Floor Layout Plan - 147-01A

Existing First Floor Layout Plan - 147-02A

Existing Elevations - 147-03A
Proposed Ground Floor Layout Plan - 147-04A
Proposed First Floor Layout Plan - 147-05A
Proposed Elevations Plan - 147-06A
All received 11/06/2020.

Site Plan - 147-20 - received 01/09/2020.

2 Condition Categories

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

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

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

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

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

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

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

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

4 Permit/Consent Decision Making Statement

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

Item No: 08
Application No: 20/02340/FUL
Site Location: 94 The Oval Southdown Bath Bath And North East Somerset BA2 2HF



Ward: Moorlands **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Jess David
Application Type: Full Application
Proposal: Change of use from dwellinghouse (use class C3) to house in multiple occupation (use class C4).
Constraints: Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Miss Lois Lee
Expiry Date: 2nd September 2020
Case Officer: Dominic Battrick
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. Cllr Jess David, ward member for Moorlands, requested that should officers be minded to permit the application, the application be called in for determination by the Planning Committee. Planning policy reasons were given by the ward councillor in objection to the application, contrary to officer recommendation.

The Vice Chair, Cllr Sally Davis, has made the following comments:

"I have looked at this application for a change of use from C3 to C4, there are objections from third party consultees & the Ward Cllr however as the report explains the application has been assessed against relevant planning policies & is compliant therefore I recommend the application be delegated to Officers for decision."

The Chair, Cllr Matt McCabe, has considered the application and the recommendation of the Vice Chair and decided that the application will be determined at Planning Committee, commenting as follows:

"I have looked at this application and the objections raised. I am concerned about losing family homes in close proximity to schools, and feel that the committee may wish to consider the impact of a declaration of a climate emergency on the housing mix and amenity impact."

DESCRIPTION OF SITE AND APPLICATION:

94 The Oval is a two-storey semi-detached house located within a residential area in the Moorlands ward of Bath. The property is outside Bath Conservation Area but within the City of Bath World Heritage Site. The site is subject to the article 4 direction in Bath restricting the change of house of C3 dwellinghouses to C4 houses in multiple occupation (HMO).

Planning permission is sought for the change of use of the property from a 3-bedroom dwellinghouse (Use Class C3) to a 4-bedroom HMO (Use Class C4). No extensions or external alterations are proposed.

RELEVANT PLANNING HISTORY:

No recent or relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION RESPONSES:

Highways DC: No objection subject to conditions.

OTHER REPRESENTATIONS / THIRD PARTIES:

11 objections received from neighbours. The comments are summarised as follows:

Principle of change of use:

- There are already a high number of HMOs in The Oval
- There are plenty of HMOs and student housing in Oldfield Park and Southdown.
- Loss of family housing stock, forcing people to live further afield and commute.
- The area is suited to families and elderly residents.
- HMOs impact the property market.

Parking and highway safety:

- Increased parking associated with the property.

- The Oval is a narrow road with limited street parking and parked cars obstruct pavements and the road, creating road safety concerns for pedestrians and cyclists. The proposal will contribute to street parking issues.
- The area is not well served by public transport.
- COVID-19 will increase car use for those living in HMOs and in general.

Bath Preservation Trust have commented on the application. The main points are summarised as follows:

- The proximity of the property to local schools makes it attractive and appropriate for families. The change of use would result in the loss of suitable family accommodation.
- Approval of the application would maintain an undesirable precedent.

Cllr Jess David has objected to the application, making the following comments:

"The application does not explain how many off-street car parking spaces are provided. I am concerned that the conversion of this family house into an HMO will have a negative impact on the surrounding roads. There is already a significant parking problem around the Oval and the Groves with cars parked on the pavement, across public footway and on grass verges.

In my view this is contrary to the need to ensure adequate off-street parking provision is retained as set out in policy ST7 of the Bath and North East Somerset Placemaking Plan.

I do not believe this areas is well served for local transport. The passing no 8 bus only runs every half and hour and is a small bus. I am concerned that HMOs actually bring many more cars to the area than is understood by current evidence.

Furthermore I am concerned about the loss of family housing on the Oval and the pressure that increasing numbers of HMOs put on local services."

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:

DW1: District Wide Spatial Strategy
B1: Bath Spatial Strategy
B4: The World Heritage Site and its Setting
CP6: Environmental Quality
CP10: Housing Mix

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
HE1: Historic Environment
H2: Houses in Multiple Occupation
ST1: Promoting Sustainable Travel
ST7: Transport requirements for managing development

NPPF:

The adopted National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration due significant weight. The following sections of the NPPF are of particular relevance:

Section 9: Promoting Sustainable Transport
Section 12: Achieving well-designed places
Section 16: Conserving and enhancing the historic environment

Due consideration has also been given to the provisions of the National Planning Practice Guidance (NPPG).

SPDs

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

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013)
The Bath City-wide Character Appraisal (August 2005)
The Houses in Multiple Occupation in Bath Supplementary Planning Document (November 2017)

Low Carbon and Sustainable Credentials

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PLANNING ISSUES:

The main issues to consider are:

- Principle of Development
- Parking and highway safety
- Residential amenity
- Character and appearance
- Other matters

OFFICER'S ASSESSMENT:

Principle of Development:

The determination of whether the change of use of a dwelling in C3 use to a HMO in C4 use will have an unacceptable impact on the surrounding area is primarily assessed via the tests outlined in The Houses in Multiple Occupation in Bath Supplementary Planning Document, as amended and adopted in November 2017.

Criterion 1 aims to prevent negative impacts to immediate neighbours caused by this particular change of use. Applications for this proposed change of use will not be permitted where it would result in any C3 residential property being 'sandwiched' between two HMOs. This criterion also aims to ensure balance at street level.

Criterion 2 aims to restrict HMOs in areas of a high concentration of existing HMOs, to prevent harmful impacts resulting from an imbalance of HMOs within residential areas. The Stage 1 Test of Criterion 2 examines whether the application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 10% of households. If outside of this test area, the test and criterion is passed. If the property is within the Stage 1 Test area, or within a 50 metre buffer of this area, the Stage

2 Test is conducted, whereby applications for this proposed change of use will not be permitted where HMO properties represent more than 10% of households within a 100 metre radius of the application property. These tests are explained further within the SPD.

The Council's spatial data indicates that the change of use will not result in any adjacent properties being sandwiched between two HMOs, complying with the sandwiching policy outlined under Criterion 1. The property is outside the Stage 1 test area and its 50-metre buffer, complying with Criterion 2. It is also noted that records indicate 7 existing HMOs within a 100-metre radius out of 104 residential properties, equating to 6.73% (below the 10% threshold).

The proposal complies with the tests contained within the Council's adopted HMO Supplementary Planning Document and the proposed change of use is therefore acceptable in principle, in compliance with policy H2 of the Placemaking Plan.

Highways Safety and Parking:

Concerns have been raised over the increased demand for parking in association with the property that would result from the proposed change of use from a 3-bedroom family home to a 4-bedroom HMO. The shortage of street parking in the area and the impact of parking on traffic movements and highway safety are of concern.

Policy ST7 requires that an appropriate level of on-site vehicle and cycle parking is provided, and that there should be no increase in on-street parking in the vicinity which would affect highway safety or amenity. This is primarily assessed through the Council's adopted parking standards. While there are no parking standards specifically for HMOs, new dwellings of 4 bedrooms or more require a minimum of 3 spaces.

The house benefits from a generously sized driveway to the side and rear of the house, expected to be able to provide 2-3 parking spaces on-site. This represents a reasonable off-street parking provision, particularly given that HMOs in Bath are predominantly located in areas with street parking only. The driveway is likely to be able to accommodate most if not all the required parking provision in association with a 4-bedroom HMO.

The highways officer was consulted and has raised no objection to the proposals, concluding that the addition of one bedroom will not result in significant increased traffic or demand for parking or a demonstrable adverse impact on local highway conditions.

Paragraph 109 of the National Planning Policy Framework states that development should only be refused on these grounds where there would be a demonstrable unacceptable impact, or where the residual cumulative impacts on the road network would be severe.

The Highways Officer has requested details of dedicated secure cycle parking (which may be secured via condition).

The site is in a sustainable location with good access to a range of services and facilities. In terms of bus links, there is a bus route that passes through The Oval and there is a busier bus route within a short walking distance nearby at Coronation Avenue.

While the problems associated with street parking within The Oval are noted, due to the above considerations, the proposal would not create unacceptable levels of street parking demand.

Overall, the proposed development complies with policy ST7 of the Placemaking Plan.

Residential Amenity

Policy D6 sets out to ensure developments provide an appropriate level of amenity for occupiers of the development and surrounding properties in terms of privacy, outlook and natural light, and that significant harm is avoided to private amenity by reason of loss of light, increase noise, smell, overlooking, traffic or other disturbance.

The SPD recognises that the cumulative impact of HMOs on neighbouring properties could significantly impact upon the residential amenity of the property as well as character of the area. C3 dwellinghouses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and comings and times and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements. The comings and goings of the occupiers of a HMO are likely to be less regimented and occur at earlier and later times in the day than a C3 family home, and may well consist of groups engaging in evening or night time recreational activity. Such a change of use can therefore be expected to increase comings and goings, noise and other disturbance compared to a C3 use. Individually, HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect.

Therefore, it is included that the proposed development will not have a significant impact, particularly over and above the extant permission.

Character and Appearance:

Policy D1, D2, D3 and D5 of the Placemaking Plan require proposals to have regard to the character and appearance of the development and its impact on the character and appearance of the host dwelling and wider area. Development proposals are expected not to harm local character and distinctiveness. Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

No physical alterations to the house are proposed that would constitute operational development. In this respect, the proposed change of use will not materially impact the character and appearance of the site or the surrounding area.

The proposed development is located within the Bath World Heritage Site, where policy B4 of the Core Strategy states that consideration must be given to impacts on the heritage asset and its setting. The development will not result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity.

The proposal is therefore in accordance with policies B4 and CP6 of the Core Strategy, policies D1, D2, D3, D5 and HE1 of the Placemaking Plan and sections 12 and 16 of the NPPF.

Other Matters:

As there is little scope to increasing the occupancy above the proposed 4 unrelated occupants due to the size of the property, and any enlargement of the house is likely to require further planning permission, a restrictive occupancy condition is not considered necessary. The C4 Use Class allows up to 6 unrelated occupants, with a larger HMO representing sui generis use.

Several representations received have raised concerns over the loss of the C3 dwelling, due to the desirability of family homes in this location and whether another HMO is necessary in this location due to demand and availability elsewhere.

Housing mix is encouraged through the HMO SPD and the adopted local policies H2 and CP10. HMO policy is intended to drive further HMO development away from areas that are already saturated to prevent a further imbalance. Through the application of the Council's HMOs tests, it is confirmed that the development will not result in an imbalance within the site area and the area will remain predominantly as family housing in C3 use.

Regarding the issue of precedence, planning law dictates that every application is assessed on its own merits. In this instance, the development will not set a precedent within The Oval and adopted policy ensures to cap HMO development beyond a 10% threshold and restrict it where it would result in a sandwiching effect to a C3 dwelling. Similarly, this policy aims to prevent severe impacts on local services; an individual HMO in a low concentrated area will have a modest and negligible impact.

Furthermore, the matters relating to the impact on housing market prices and council tax generation are not material planning considerations.

CONCLUSION:

The proposed change of use of the house from Use Class C3 to Use Class C4 is acceptable in principle, complying with adopted policy. The proposal will not result in a demonstrable adverse impact on highway safety or residential amenity. It is therefore recommended that the application is approved.

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 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least two bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

3 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Site Location Plan - received 07/07/2020

Site Plan - received 07/07/2020

Existing and Proposed Floor Plans - received 08/07/2020

2 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at

www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

4 Permit/Consent Decision Making Statement

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