

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **21st October 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.

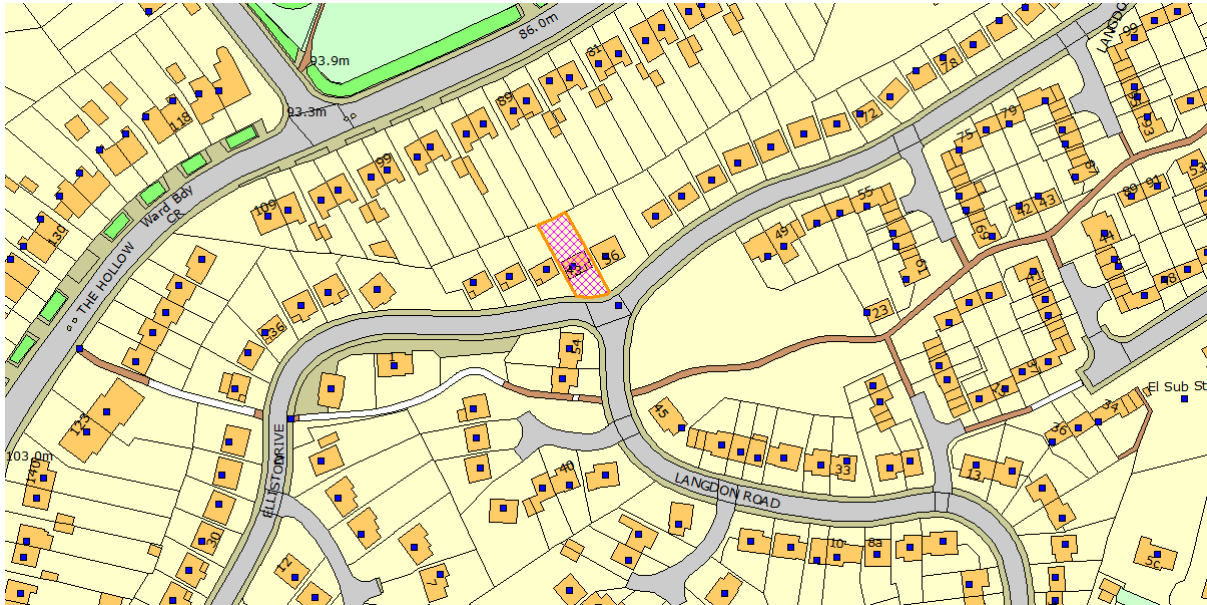
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	20/02854/FUL 6 October 2020	Mr M Ashton 43 Elliston Drive, Southdown, Bath, Bath And North East Somerset, BA2 1LU Change of use from a 4 bedroom dwelling (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4).	Southdown	Chloe Buckingham	PERMIT
02	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
03	20/02921/FUL 12 November 2020	Hardrock Developments Ltd Site Of Former Ministry Of Defence Offices, Warminster Road, Bathwick, Bath, Bath And North East Somerset Proposed construction of 42no. new dwellings and 2no. new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (Resubmission of ref. 19/03838/FUL).	Bathwick	Chris Griggs-Trevarthen	PERMIT

04	18/05623/OUT 25 September 2019	The Radstock Co-Operative Society Co-Operative Store A, Wells Road, Westfield, BA3 3RQ, Hybrid planning application for the mixed-use redevelopment of the Co- Operative store and associated car park in Radstock comprising - 1. Full planning permission for the demolition of existing store and construction of 1795sqm retail floorspace including replacement store (Class A1), 722sqm office floorspace (Class B1) and 28 dwellings (Class C3) with associated car and cycle parking, works to existing access, landscaping, public realm, drainage and infrastructure. 2. Outline planning permission for 26 dwellings with associated car parking, landscaping, drainage and infrastructure (access, scale, and landscaping determined, all other matters reserved).	Westfield	Chris Gomm	Delegate to PERMIT
05	20/02727/FUL 22 October 2020	Thevathasan 24 Broadway, Widcombe, Bath, Bath And North East Somerset, BA2 4JA Change of use from a three bed dwelling house (Use Class C3) to a five bed House in Multiple Occupation (HMO) (Use Class C4).	Widcombe And Lyncombe	Hayden Foster	PERMIT
06	20/01408/VAR 21 August 2020	Mr & Mrs E Honeyfield Building Between The House And Old Orchard, The Street, Ubley, Bristol, Variation of condition 2 of application 17/00295/FUL (Erection of detached dwellinghouse & detached garage).	Chew Valley	Christine Moorfield	PERMIT
07	20/02738/FUL 23 October 2020	Mr and Mrs Malcolm 91 Fairfield Park Road, Fairfield Park, Bath, Bath And North East Somerset, BA1 6JR Proposed off street parking	Lambridge	Danielle Milsom	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 20/02854/FUL
Site Location: 43 Elliston Drive Southdown Bath Bath And North East Somerset BA2 1LU



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Paul Crossley Councillor Dine Romero
Application Type: Full Application
Proposal: Change of use from a 4 bedroom dwelling (Use Class C3) to a 6 bedroom 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, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr M Ashton
Expiry Date: 6th October 2020
Case Officer: Chloe Buckingham
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllrs Dine Romero and Paul Crossley have made a formal request that if the officer is minded to permit this application it is determined in public by committee. The chair of committee has decided to take the application to committee for the following reason:

I have looked at this application and the nature of the application site. The Committee may wish to further consider whether this application is compatible with the character and

amenity of Elliston Drive, and the impact on the amenity of adjoining residents through loss of privacy, visual and noise intrusion. The issue of parking and traffic would also benefit from discussion in the public domain.

DESCRIPTION OF SITE AND APPLICATION:

This application relates to a detached house located in the Bath World Heritage Site. The application seeks planning permission for a change of use from a 4-bed dwelling house (C3 use class) to a 6-bed House in Multiple Occupation (HMO) (C4 use class).

Relevant Planning History:

There is no relevant planning history for this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS CONSULTATIONS:

Highways: No objection subject to one condition.

Cllr Dine Romero and Cllr Paul Crossley:

- o Undermines the character of this residential road.
- o These houses were built as family houses, and there is a growing shortage of family houses in the city. Families are forced to live outside the city and commute in for both work and school. This adds to the city's acknowledged problems with pollution and congestion.
- o Question the need for more HMOs at this moment when we know that student numbers are likely to significantly down on previous years due to the global pandemic.
- o HMOs also bring more cars to an area, as well as reduce the need for a wide variety of local services. Ellison Drive is a street of family homes and this is the need for housing in Bath.
- o Conversion of family homes to HMOs increase the rental value and thus force families to live outside the city and commute in for both work and school.
- o This adds to problems with pollution and congestion.
- o This application will also increase the number of cars in Ellison Drive which already has a surplus of cars parking half on the pavement.
- o If you are minded to permit this application this objection is also a formal request for this application to be decided by the planning committee for the planning reasons stated above.

Third party comments: 1 comment received. The main points being:

Parking is acceptable and there have been no accidents in 31 years they have lived in the house.

No issues with noise/rubbish issues/anti-social behaviour.

15 objections received. The main points being:

- o Noise
- o Pollution
- o Traffic congestion/safety.
- o Lack of parking- there is only one car parking space in front of the garage. The other space used is on-street.
- o Anti-social behaviour

- o No facilities for young people
- o Some bedrooms are very small
- o Family oriented estate- an HMO is not good for the character of the area.
- o The proposed size of the kitchen is mis-leading. The developer says 6.9sqm but this doesn't meet the standards of 9sqm set out in the Council's standards for HMOs.
- o The utility room has no facility for food preparations.
- o There are no direct routes to the uni campus.

POLICIES/LEGISLATION

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:

B4: Impact of development on World Heritage site of Bath or its setting
 CP6: Environmental Quality

Placemaking Plan:

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

D1: General Urban Design Principles
 D2: Local Character and Distinctiveness
 D3: Urban Fabric
 D5: Building Design
 D6: Amenity
 H2: Houses in Multiple Occupation
 H3: Residential Use in Existing Buildings
 HE1: Historic Environment
 ST7: Transport requirements for managing development

The following Supplementary Planning Documents are relevant to the determination of this application:

Houses in Multiple Occupation in Bath SPD

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).

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

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 PROPOSED USE:

Policy H2 explains that if the site is within Bath and within a high concentration of existing HMOs (as defined in the HMO SPD) further changes of use to HMOs will not be supported as they will be contrary to supporting a balanced community. Other criteria for not permitting a change of use to an HMO are as follows:

- o The HMO is incompatible with the character and amenity of adjacent uses.
- o The HMO use significantly harms the amenity of adjoining residents through loss of privacy, visual and noise intrusion.
- o The change of use creates a severe transport impact.
- o The HMO use results in the unacceptable loss of accommodation in a locality- size, mixture and type.
- o The change of use prejudices the commercial use of ground/lower floors.

The Houses in Multiple Occupation SPD (November 2017) states that applications for the change of use from C3 dwellings to C4 or sui generis (HMOs) will not be permitted where:

Criterion 1: It would result in any residential property (C3 use) being 'sandwiched' between 2 HMOs or

Criterion 2: Stage 1 test: The application property is within or less than 50m from a Census Output Area in which HMO properties represent more than 10% of households.

And;

Stage 2 test: HMO properties represent more than 10% of households within a 100m radius of the application property.

Policy H2 explains that if the site is within Bath and within a high concentration of existing HMOs (as defined in the HMO SPD) further changes of use to HMOs will not be supported as they will be contrary to supporting a balanced community. Other criteria for not permitting a change of use to an HMO are as follows:

- o The HMO is incompatible with the character and amenity of adjacent uses.
- o The HMO use significantly harms the amenity of adjoining residents through loss of privacy, visual and noise intrusion.
- o The change of use creates a severe transport impact.
- o The HMO use results in the unacceptable loss of accommodation in a locality- size, mixture and type.
- o The change of use prejudices the commercial use of ground/lower floors.

It has been confirmed through a GIS search that the property is not sandwiched between two HMOs.

The site is also located within the built up residential area of Bath and is more than 50m from a Census Output Area in which HMO properties represent more than 10% of

households. Therefore, the proposal also passes the stage 1 test and the scheme is acceptable and in line with policy H2 of the Placemaking Plan (2017) and the HMO SPD (2017).

CHARACTER AND APPEARANCE:

The proposal is to change the use from a 4-bed dwelling house (C3 use class) to a 6-bed house in multiple occupation (C4 use class) and there are no plans to change the exterior appearance of the property.

Comments have been received to say that the scheme undermines the character of this residential road and that there is a growing shortage of family houses in the city. However, the scheme meets the stage 1 tests and is acceptable in terms of housing mix and there is still a need for HMOs in the city.

Comments received have questioned the need for more HMOs at this moment when we know that student numbers are likely to significantly down on previous years due to the global pandemic. However, not all HMOs are occupied by students. There are many young professionals in HMO dwellings and there is still a need for HMOs.

Objection comments have explained that the conversion of family homes to HMOs increase the rental value and thus force families to live outside the city and commute in for both work and school. However, as explained the application meets the stage 1 test and is considered acceptable in terms of housing mix and there is also still a need for HMO properties.

Therefore, the scheme is in compliance with policies H2, D2 and D4 of the Placemaking Plan (2017).

PLANNING OFFICER'S ASSESSMENT OF HIGHWAY IMPACTS:

The change of use, and associated increase in the number of bedrooms from four to six, is likely to increase the occupancy of the house marginally by independent individuals (i.e. not a family) and this may raise concerns over increased parking demand in the vicinity of the application site, particularly in an area where on-street parking is unrestricted.

However, the site's sustainable location is acknowledged with good access to a range of services, facilities and public transport links, therefore, car usage should be less intense.

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 of a similar size and type. Based on existing room* numbers and that proposed, car-ownership would be similar to the current use of the property. Given this, it is not considered that there would be a significant impact on the local highway network.

Without adopted parking standards for HMOs, it is difficult to demonstrate that the addition of two bedrooms will result in an unacceptable increased demand for parking, or a demonstrable harmful impact on local highway conditions. 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 on the road network would be severe.

Refusal of the application on these grounds would be considered contrary to this policy, therefore HDC raises no objection to the proposed change of use, subject to the following Condition regarding secure, undercover bicycle parking for two bicycles to ensure sustainable transport modes in compliance with policies ST1 and ST7.

RESIDENTIAL AMENITY:

Comments have been submitted to explain that there is concern that there will be an increase in noise and pollution as a result of the scheme. It is appreciated that C3 dwellinghouses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors 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 an 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.

However, the proposal would not result in properties being sandwiched between two HMOs and there are not considered to be any significant residential amenity impacts as a result of the change of use than when compared to the existing situation. Therefore, the scheme is compliant with policy D6 of the Placemaking Plan (2017).

Comments received have explained that the proposed size of the kitchen is mis-leading. The developer says 6.9sqm but this doesn't meet the standards of 9sqm set out in the Council's standards for HMOs. The comments have gone on to explain that the utility room has no facility for food preparations. However, after speaking with the HMO licensing team, it is considered that the utility can be included in the size as this can be used for accommodating the white goods. Comments have also explained that some bedrooms are very small. However, such bedrooms are considered acceptable.

Comments submitted have explained that there are no facilities for young people in the area. However, not all HMOs need to be in places where there are lots of facilities. There are many HMOs in residential areas.

OTHER ISSUES:

It must be noted here that any damage to neighbouring property is a civil matter between the neighbours and is not a material planning consideration. Furthermore, any necessary maintenance of the driveway is for the owners to carry out.

A condition will be attached to the permission to ensure that the property is for 6 unrelated people only and any increase in this would require a further planning application.

CONCLUSION:

For the reasons set out above, it is recommended that this application is granted permission subject to conditions.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that as there are no exterior alterations proposed the scheme preserves the setting of conservation area.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Number of Occupants (Compliance)

The development hereby permitted shall not be occupied by (rented to) more than 6 unrelated occupants without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 and H2 of the Bath and North East Somerset Placemaking Plan.

3 Bicycle Storage (Prior to 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 Policy ST7 of the Bath and North East Somerset Placemaking Plan 2017.

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 plan references;

Location Plan, Existing Plans and Proposed Plans received 10th August 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 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 Responding to Climate Change (Informative):

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

5 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.

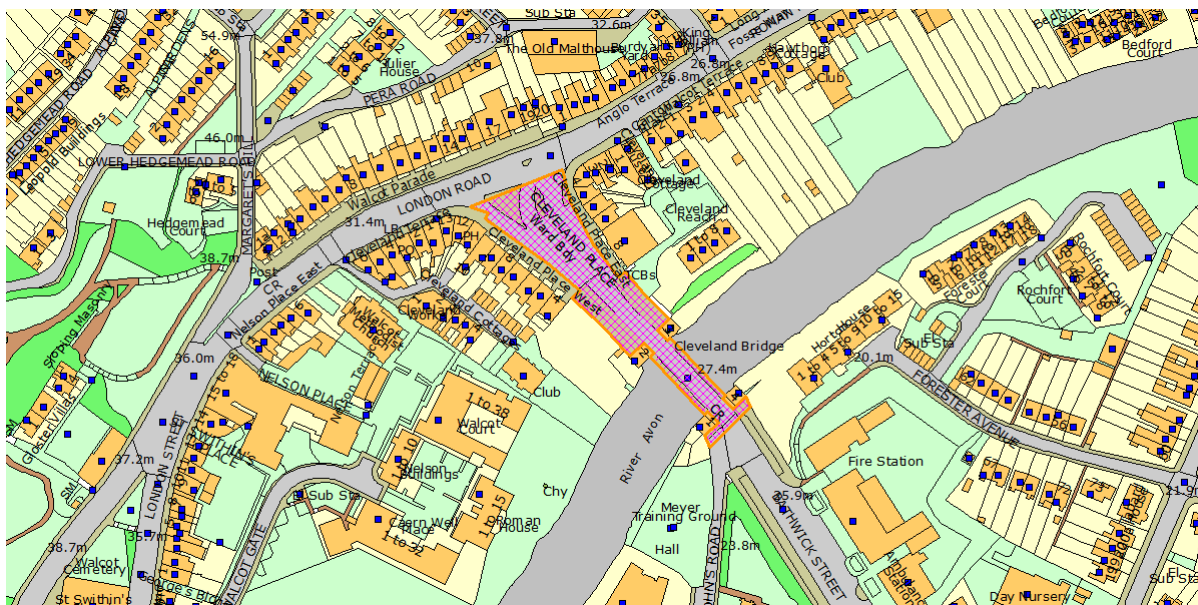
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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.

Item No: 02
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 rationale 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.

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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 out 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 1...	05 Jun 2020	0020 T03	LOCATION OF CAST IRON DEFECTS - ARCHES
Drawing 5...	05 Jun 2020	0021 T03	LOCATION OF CAST IRON DEFECTS - ARCHES
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 ACTIONS...	05 Jun 2020	0027 T03	SCHEDULE OF DEFECTS AND REMEDIAL
Drawing ACTIONS...	05 Jun 2020	0028 T03	SCHEDULE OF DEFECTS AND REMEDIAL
Drawing CL...	05 Jun 2020	0029 T03	EXISTING GENERAL ATTANGEMENT AND SITE
Drawing OF D...	05 Jun 2020	0030 T03	ABUTMENT DEFECT LOCATIONS, SCHEDULE
Drawing CONSTRAINT: ...	05 Jun 2020	0033 T03	LOCATION OF CONCRETE DEFECT
Drawing CONSTRAINTS:...	05 Jun 2020	0034 T03	LOCATION OF CONCRETE DEFECT
Drawing CONSTRAINTS:...	05 Jun 2020	0035 T03	LOCATION OF CONCRETE DEFECT
Drawing TRUSS M...	05 Jun 2020	0036 T03	GENERAL BREAKOUT CONSTRAINTS FOR
Drawing TRUSS M...	05 Jun 2020	0037 T03	GENERAL BREAKOUT CONSTRAINTS FOR
Drawing REFERENCES A...	05 Jun 2020	0038 T03	BAR BENDING SCHEDULE MEMBER
Drawing LIN...	05 Jun 2020	0039 T03	METHODOLOGIES FOR THE REPLACEMENT OF
Drawing ARRANGEM...	05 Jun 2020	0040 T03	DECK AND SOFFITT GALVANIC ANODE
Drawing ARRANGEME...	05 Jun 2020	0041 T03	TRUSS GALVANIC ANODES: GENERAL
Drawing	05 Jun 2020	0042 T04	TRUSS GALVANIC ANODES: DETAIL Public
Drawing DETA...	05 Jun 2020	0043 T04	HANGER BAR PROTECTION AND AUXILIARY
Drawing	05 Jun 2020	0050 T04	DECK STRENGTHENING: GENERAL
Drawing ARR...	05 Jun 2020	SIG1 T03	LOCATION PLAN AND DECK REINFORCEMENT
Drawing AND ...	05 Jun 2020	SIG2 T03	ABUTMENT GALLERY - CONCRETE REPAIRS
OS Extract	05 Jun 2020		LOCATION PLAN
Revised Drawing	31 JULY 2020		76007-WSP-DWG-BR-00P1P02-PROPOSED
Revised Drawing	31 JULY 2020		KERB DETAILS

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.

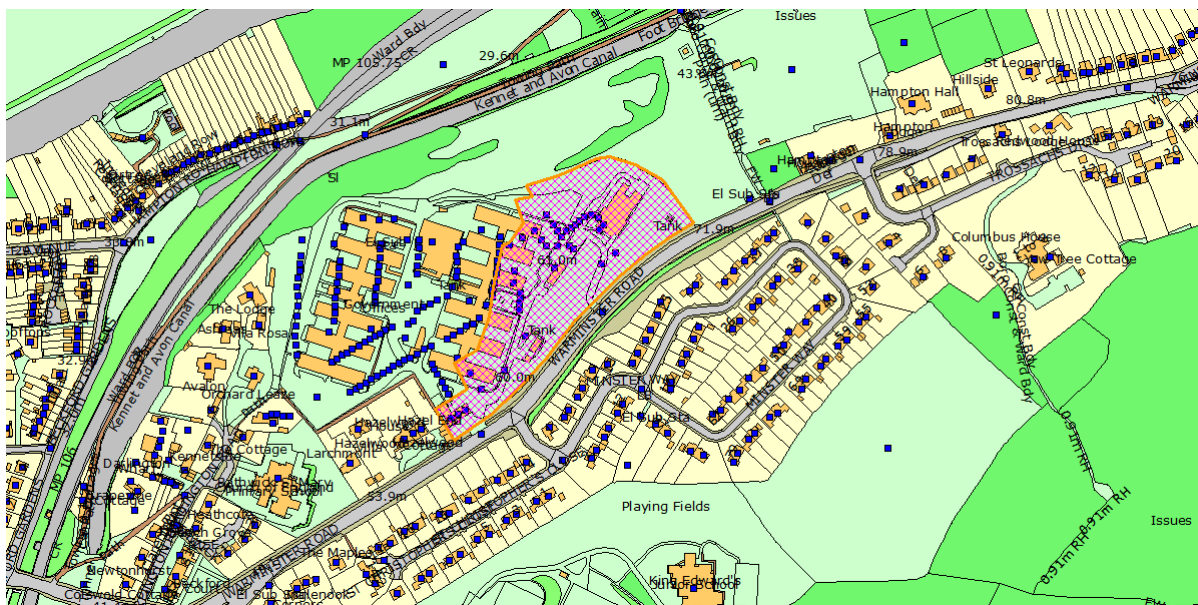
6 Submission of Samples

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.

Item No: 03
Application No: 20/02921/FUL
Site Location: Site Of Former Ministry Of Defence Offices Warminster Road
 Bathwick Bath Bath And North East Somerset



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Dr Kumar Councillor Manda Rigby

Application Type: Full Application

Proposal: Proposed construction of 42no. new dwellings and 2no. new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (Resubmission of ref. 19/03838/FUL).

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Hardrock Developments Ltd

Expiry Date: 12th November 2020

Case Officer: Chris Griggs-Trevarthen

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

REPORT

REASON FOR REPORTING TO COMMITTEE

The application is subject to a viability assessment in respect of affordable housing.

DESCRIPTION

This application is a resubmission of application 19/03838/FUL which was refused by the Planning Committee on 3rd June 2020 for the following reasons:

1. The proposed development fails to provide a policy compliant level of affordable housing and this is not justified by the viability appraisal or any other material considerations. The proposed development is therefore contrary to the development plan, in particular policy CP9 of the Bath and North East Somerset Core Strategy.
2. The proposed development, due its layout, height, design and appearance, would appear incongruous, bulky and overdeveloped, particularly when viewed from across the city. The proposals would therefore adversely impact upon the setting of the World Heritage Site contrary to the development plan, in particular policies B4 and CP6 of the Bath and North East Somerset Core Strategy and policies D2, HE1, NE2 and NE2A of the Bath and North East Somerset Placemaking Plan.
3. The proposed development fails to comply with the adopted parking standards and is therefore considered not to provide an appropriate level of on-site vehicle parking, particularly in respect of visitor parking. The proposal is therefore contrary to the development plan, in particular policy ST7 of the Bath and North East Somerset Placemaking Plan.

The main difference between the refused application and the current re-submission is that the affordable housing offer has been increased. The previous application proposed a commuted sum of 644,000 in lieu of an additional affordable housing provision on the site delivering a total of 15% affordable housing within the allocation. The current application proposes on site delivery of an additional 20 discount market sale units delivering a total of 25% affordable housing within the allocation.

The site the former MOD site at Warminster Road in Bath now known as Holburne Park. Planning Permission was granted in March 2015 for the comprehensive redevelopment of the site for 204 dwellings (Ref: 14/02272/EFUL); construction is well underway.

There have been multiple material amendments to the approved scheme since it was first consented in 2015. The 2015 consent was first amended in January 2017 by planning permission (ref: 16/01925/VAR); that permission made amendments to the development's external layout, internal arrangements, and various other changes. A significant new application was approved in 2017 (ref: 16/04289/EFUL) which amended the approved scheme to include the erection of 6 no. apartment blocks. This increased the total number of approved dwellings to 244. This was followed by a further planning permission (Ref: 17/06189/EVAR) in 2017 which made some changes to Plot 37. This was in turned followed by planning permission Ref: 18/05098/EVAR, approved in April 2019, which replaced a 3-unit coach house with a conventional dwelling. A further amendment (19/01956/EVAR) was granted in February 2020.

The site in question forms part of the former MOD premises at Warminster Road. The site is described as the 'eastern parcel' as it covers a large part of the eastern most part of the approved development alongside a connecting street which links to phase 1. This

application seeks to vary these portions of the approved scheme to provide 42no. dwellings and 2no. new blocks of apartments (comprising 28 dwellings) to provide a total of 70 new homes. This would replace the 127 dwellings currently approved on this part of the site, reducing the overall total number of dwellings within the allocation from 246 to 189.

The site is located within the Bath World Heritage Site and Conservation Area and is directly adjacent to a Site of Nature Conservation Interest (SNCI) which lies to the east and north.

There is a concurrent application which has also been submitted to provide an additional 8 dwellings on land which was previously reserved for the expansion of Bathwick St Marys Primary School (ref: 20/02926/FUL). The cumulative number of dwellings proposed across the allocation from both applications is 197.

RELEVANT PLANNING HISTORY

20/02926/FUL - PENDING CONSIDERATION

Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath (Resubmission of 19/04772/FUL)

20/02422/EVAR - PENDING CONSIDERATION

Variation of condition 31 (plans list) of application 19/01956/EVAR (Variation of Condition 8 and 30 attached to 18/05098/EVAR (Variation of condition 32 (plans list) of application 17/06189/EVAR (Variation of Condition 7 AND Condition 30 (plans list) involving changes to materials, addition of basement storey and porch to Plot 37 of 16/01925/VAR (Variation of Condition 33 attached to 14/02272/EFUL (Erection of 204 no. dwellings with 2 no. accesses from Warminster Road, vehicular parking, open space, landscaping (including tree removal), pumping station, and associated engineering works, following demolition of existing buildings) granted on 31.01.2017) (Resubmission))

19/03838/FUL - REFUSED

Proposed construction of 42no. new dwellings and 2no. new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (revision to consented development).

19/04772/FUL - REFUSED

Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath

19/01956/EVAR - PERMITTED

Variation of Condition 8 and 30 attached to 18/05098/EVAR (Variation of condition 32 (plans list) of application 17/06189/EVAR (Variation of Condition 7 AND Condition 30 (plans list) involving changes to materials, addition of basement storey and porch to Plot 37 of 16/01925/VAR (Variation of Condition 33 attached to 14/02272/EFUL (Erection of 204 no. dwellings with 2 no. accesses from Warminster Road, vehicular parking, open space, landscaping (including tree removal), pumping station, and associated engineering works, following demolition of existing buildings) granted on 31.01.2017) (Resubmission).

18/05190/EVAR - PERMITTED

Variation of Condition 32 (plans list) of application 17/06189/EVAR (plots 32-36 design changes)

18/03193/EVAR - PERMITTED

Variation of conditions 7 and 32 of application 17/06189/EVAR (add Juliet balconies to plots 32-36)

18/01407/EVAR - PERMITTED

Variation of Condition 24 (plans list) of application 16/04289/EFUL (BF6 and BF7 design changes)

17/06189/EVAR - PERMITTED

Variation of Condition 7 AND Condition 30 (plans list) involving change to materials, addition of basement storey and porch to Plot 37 of 16/01925/VAR.

16/04289/EFUL - PERMITTED

Erection of 6 no. apartment blocks to provide 87 no. new dwellings (Partial revision of application 14/02272/EFUL)

16/01925/VAR - PERMITTED

Variation of Condition 33 attached to 14/02272/EFUL (Erection of 204 no. dwellings with 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping(including tree removal); pumping station; and associated engineering works, following demolition of existing buildings)

14/02272/EFUL - PERMITTED

Demolition of existing buildings, erection of 204 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works

ENVIRONMENT IMPACT ASSESSMENT

This application proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that the application does not represent EIA development and that an Environmental Statement is not required.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Except for the revised affordable housing offer and some additional information, the proposals remain unchanged from the previous submission. Unless specifically updated, the summary of internal consultee responses is taken from their comments on the previous submission (ref: 19/03838/FUL).

VIABILITY ASSESSOR: Comments (UPDATED)

On the basis of the above and information provided by the Applicant, Cushman & Wakefield are of the opinion that since the previous Viability Assessment (May 2020), the Applicant has worked to increase the viability of their development by revising their

Phasing, Cost and Sales Assumption and as a result have increased the viability of the development by £2.48M overall. The increase in development viability is despite the addition of a further 2 discount market units, taking the total proposal to 10 discount market units. The Applicant has also provisionally accepted Cushman & Wakefield's assessment of BLV at £12.5M. However, despite these positive changes the scheme still produces a viability deficit of -£530K, this is in comparison to their previous assessment of a -£11.18M viability deficit.

Overall, given the additional information provided and work undertaken by the Applicant, C&W remain of the same opinion as set out in our full Viability Assessment, that given the current level of uncertainty within the housing and development markets, the overall revised offer provided may be a reasonable approach to protecting the Council's position and deliver an element of affordable housing on Site, however, will be subject to the details of the agreement and ability for implementation.

(Officer note: The viability assessor's comments were made based on the application's original affordable housing offer of 10no. discount market sale units. This has subsequently been increased to 20no. discount market sale units. However, the comments and conclusions above remain valid)

HOUSING: No objection (UPDATED)

The developer submitted a viability report concluding that any affordable housing provision would result in the site not being viable. An independent assessment of the viability report has taken place and agrees.

The developer originally offered 10x1bed discounted market sale units and whilst Housing Services appreciated this offer the preference would have been for a commuted sum, to be used for off-site affordable housing provision. Since this initial offer the developer has subsequently offered 20 discounted market sale units (12x1beds & 8x2beds) within Block BF13 at 70% of open market value. This offer is welcomed given the outcomes of the viability assessment with the condition that the initial discounted market sale price is capped for purchasers with a local connection to B&NES Council administrative area and this is set out in a legal agreement using B&NES Council standard definitions and clauses.

URBAN DESIGN: Objection

The proposed public realm throughout is highways and access dominated. The scheme designs in extensive lengths of completely blank frontages. This means streets lack overlooking and lack design quality to enable them to contribute to the pedestrian experience of this place. Poor design such as this is not supported.

CONSERVATION: Scope for revision

The revisions to the previously approved application ref: 14/02272/EFUL constitutes some improvement. However, as already stated previously there are concerns regarding the proposed three villa style buildings adjacent to the historic Kennet and Avon Canal. (Officer note: the three proposed villa buildings do not form part of this application and were considered under 19/03836/FUL which has now been withdrawn).

EDUCATION: No objection

ARBORICULTURE: Scope for revision

The tree report submitted and dated 29th August 2013 is out of date and does not include the original tree survey plan.

DRAINAGE AND FLOODING: No objection

ECONOMIC DEVELOPMENT: No objection, subject to obligation

ENVIRONMENTAL PROTECTION: No objection, subject to condition

LANDSCAPE: No objection

PARKS AND OPEN SPACES: No objection

PUBLIC RIGHTS OF WAY: No objection

HIGHWAYS: Comments

Further information regarding the parking arrangements, highway layout and facilities for waste / recycling storage is required.

HISTORIC ENGLAND: Comments

The proposed revisions to that application will in some limited ways improve the overall streetscape of the site. However, they continue to raise concerns regarding the way that this site is developing. While some improvements have been made, as a whole they continue to have concerns regarding the potential impact the scheme will have on the Conservation Area and World Heritage Site.

AVON AND SOMERSET POLICE: No objection

BATH PRESERVATION TRUST: Objection

Due to the lack of changes visible in the provided drawings, elevations, and proposed visuals, the trust maintain the Committee's refusal on grounds of its adverse visual impact on the World Heritage site has not been addressed.

The trust maintains that provision of discounted market housing does not constitute affordable housing, and therefore this development continues to be contrary to Policy CP9 of the Core Strategy and Placemaking Plan. Furthermore, the restriction of all proposed discounted market housing to apartment block BF13 fails to meet requirements for mixed-use housing types and sizes in order to ensure sustainable and balanced communities, contrary to Sections 5 and 8 of the NPPF, and Policies CP9 and CP10 of the Core Strategy and Placemaking Plan, and therefore should be refused or withdrawn until an appropriate proportion of affordable, mixed housing is proposed.

THIRD PARTIES AND NEIGHBOURS: 13 letters of OBJECTION have been received. The main issues raised were:

There were concerns about the design of the proposals. It was suggested that the massing of the easternmost blocks does not display an organic response to the

topography and that the location of the terraces at the top of the slope make them more prominent in long views. It was suggested that these terraces be broken up to create multiple rooflines.

It has been suggested that the proposals represent overdevelopment of the site and would harm the World Heritage Site. The blocks of flats were also considered to be out of keeping with the area.

Lack of parking provision is considered to be an issue with the proposal, with visitor parking being a particular issue which will lead to further on-street parking. Inadequate cycle parking was also mentioned.

The block labelled as BF13 is considered too tall and would tower above existing homes on the site. Concern has also been raised about block BF14. There is also concern about impacts upon the privacy of adjacent occupiers on Minster Way.

There is some criticism of the visualisations presented with the application.

It is suggested by some that the developer's financial difficulties do not provide justification for the proposed development.

Some residents were concerned about the impact upon views to and from the site.

Some were concerned that the application represents an increase in the number of homes and that overcrowding would put pressure on services such as schools.

Several suggest that the proposals do not serve the community and have failed to properly address the previous reasons for refusal.

There is concern that the proposals will result in increased traffic and congestion on the A36.

Several comments have made complaints about the noise, dust and disturbance suffered during the development of the site so far.

Issues around land stability have also been raised by local residents.

It was suggested that the green border which fronts Warminster Road should be increased so that the development is lower down the hill and doesn't impact upon views.

13 letters of SUPPORT have been received. The main issues raised were:

Several comments pointed to the scheme ensuring the viability, deliverability and timely completion of the development as being important factors for consideration which outweigh some of the identified harms. There was also concern that a further refusal would result in delay to the completion of the development to the detriment of local residents.

Many welcomed the offer of 25% affordable housing on the site.

Many preferred the current application proposals to the approved position which includes the building of several blocks of flats adjacent to Warminster Road.

There was some concern that the constant changes to the scheme were prolonging the development and the associated noise, dust and construction vehicles.

Some felt that the number of homes proposed was acceptable and would maintain the World Heritage Site. They also felt it was an improvement upon the original permission and shows a better understanding of the environment.

One comment felt that there as a need for a mini roundabout past the entrances to Holburne park to accommodate additional traffic.

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:

- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B4 The World Heritage Site and its Setting
- CP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP9 Affordable Housing
- CP10 Housing Mix
- CP13 Infrastructure Provision

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:

- SU1 Sustainable Drainage
- D1 Urban Design Principles

D2 Local Character & Distinctiveness
D3 Urban Fabric
D4 Streets and spaces
D5 Building Design
D6 Amenity
D8 Lighting
D10 Public Realm
BD1 Bath Design Policy
HE1 Historic Environment
NE1 Development and Green Infrastructure
NE2 Conserving and enhancing the landscape and landscape character
NE2A Landscape Setting of Settlements
NE6 Trees and woodland conservation
ST1 Promoting sustainable travel
ST7 Transport requirements for managing development
SB12 Former MoD Warminster Road

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

LEGISLATION

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Design
3. World Heritage Site and Conservation Area
4. Residential amenity
5. Highways and parking
6. Drainage
7. Ecology
8. Parks and Green Spaces
9. Sustainable Construction
10. Affordable Housing
11. Community infrastructure levy
12. Conclusion

1. PRINCIPLE OF DEVELOPMENT

The site falls within the allocation policy SB12 which allows for the provision of at least 150 residential dwellings to enable the efficient use of the developable area. The proposed development would amend the approved scheme and reduce the overall number of dwellings within the allocation to 189 dwellings. The current proposal will not conflict with that minimum requirement.

Criterion 2 of the SB12 requires the removal of the existing disused buildings on the site. This has already occurred and this criterion is met.

Criterion 3 requires the development to be almost entirely focused on the previously developed area. The changes proposed by this application remain within the previously developed area and so this criterion is met.

Criterion 4 requires a design response which enhances the setting of the World Heritage Site and Conservation Area with reference to the important characteristics of the site. This is addressed in the Design and World Heritage Site and Conservation area sections below

Criterion 5 requires the provision of land and other funds to enable expansion of the adjoining primary school. This application does not include any land which was part of the formerly proposed school expansion. A financial contribution towards education provision has already been made on this development site. This criterion is therefore met.

Criterion 6 relates to walkways through the undeveloped part of the site to improve public access. This application does not affect the approved proposals for walkways and access to the undeveloped parts of the site.

Criterion 7 requires the protection of the amenity of neighbouring residential properties. This is considered in the residential amenity section below.

Criterion 8 requires a detailed historic environment assessment and evaluation. This is considered in the Design and World Heritage Site and Conservation area sections below.

2. DESIGN

The proposed layout seeks the creation of new terraces within the development which reflects the approach to the layout within the earlier phases of the development. Similarly, the style and architectural treatment of the houses appears to reflect that previously approved/already constructed and on that basis, it can be supported.

However, the Urban Designer made a number of criticisms of the design of the proposals under the previous application (19/03838/FUL).

The southern terrace of proposed dwellings within phase 5 (plot 190 - 201) are shown to be split level dwellings with the lower level to the north being entirely dedicated to undercroft parking with a terrace above. This approach creates long stretches of blank elevations with car dominated ground levels.

Furthermore, phase 3A-1 creates a new street which is lined by the rear elevations of elevated terrace gardens on one side and a large car park on the other side. This represents poor public realm which lacks any proper natural surveillance or visual connection to the proposed homes.

Whilst the other concerns raised about the proposed design remain, it is important to consider the fall-back position established by the approved planning permission.

The currently approved scheme includes 7 free-standing blocks of apartments located along the southern boundary of the site. The blocks varied in height, but were generally 4 storeys in height plus an undercroft level on the lower side of the hill containing parking. The layout also included a series of large parking courtyards situated on the north side of these blocks.

Compared to the currently approved scheme it is considered that the proposed changes to building form, layout, access, parking and landscape are an improvement. This is an important material consideration and, on this basis, there is no objection to the design of the proposals.

3. WORLD HERITAGE SITE AND CONSERVATION AREA

The key consideration in respect of the impact of the proposals upon the World Heritage Site is whether the proposed development would have an adverse impact upon its outstanding universal value.

The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA). This was reviewed by the Council's Landscape Officer under the previous application (19/03838/FUL) who considered that the changes to the building form, layout, parking, access and hard/soft landscaping represent an improvement on the previous scheme. This is particularly the case in viewpoints V1, V3a, V8 and V9 in the LVIA.

It is therefore considered that the proposals will have no adverse impact upon the outstanding universal value (OUV) of the World Heritage Site.

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 it is considered that the design of the proposals is acceptable (discussed above) and will not detract from views to or from the site. The proposals will therefore preserve this part of the Bath Conservation Area and met this requirement.

The proposal is therefore considered to comply with criteria 4 and 8 of policy SB12.

4. RESIDENTIAL AMENITY

Each of the proposed dwellings is provided with adequate internal and external space for amenity and all have adequate levels of light, outlook and privacy.

Some concerns have been raised by existing residents within the Holburne Park development, including those on Lascelles Avenue which backs onto phase 3A1. This phase of the development is located on higher land than the properties on Lascelles Avenue, but the proposed dwellings are situated on the southern side of the new street and therefore are set back a significant distance from the rear gardens of existing properties.

Specific concern was raised about the proposed apartment block BF13 which is four storeys high and situated to the rear of several properties on Lascelles Avenue. However, the front of BF13 is situated over 22m from the rear of properties on Lascelles Avenue and this separation is considered to prevent it from appearing overbearing or resulting in any significant loss of light, outlook or privacy. Some privacy concerns were also raised in relation to properties on Minster Way. These are sufficiently distance from the proposed blocks to prevent any harmful overlooking from occurring.

Other concerns have been raised about the loss of views from properties on Minster Way. Loss of a private view is not a material planning consideration and therefore not grounds for objection. In any case, as discussed in the section above the proposal is considered an improvement in terms of the views northward over the site.

The proposal is therefore considered to comply with criterion 7 of SB12.

5. HIGHWAYS AND PARKING

The overall change in residential numbers at the site has been reviewed, and this is summarised in the supporting transport information that formed part of the application.

The maximum overall dwelling numbers would be 197 in the scenario that this application and the other concurrent application (ref: 19/4772/FUL) are approved. This is compared to 246 dwellings as currently permitted. The most significant change is that the number of privately owned houses would increase, with there being a similar reduction in the number of privately owned flats / apartments. The potential impact of the dwelling numbers and the mix of dwelling types has been considered within the current planning submission.

The submitted transport letter considers the total traffic generation that would be associated with the development and also compares the traffic generation against the previously permitted scenarios. The trip rates used for each dwelling type were agreed with the highway authority when the original Transport Assessment was submitted in support of the first planning application. The submission summarises that there would be no material change in traffic generation levels as compared with the currently permitted scheme. It is concluded that there would be no material change in traffic generation throughout the day in the proposed development scenario, and there should be no further impact on the local highway network.

The proposed car parking levels have been considered, and the parking requirements have been reviewed within the submitted Planning Statement and the Design and Access Statement. An Accessibility Assessment has also previously been completed, and this identified that a reduction of 10% below the minimum parking standards may be

considered when the impact of the development parking is assessed. Given the overall reduction in the number of flats / apartments and additional houses, it would be expected that the ratio of parking spaces per dwelling would significantly increase as a result of the proposed changes. Since the previous approvals were given, the Placemaking Plan has been adopted and there is a requirement for minimum parking standards to be applied to residential developments in this type of location.

The level of parking proposed for the affordable flats / apartments is consistent with the previously permitted schemes. Plots 178 to Plots 201 are all five or four bedroom properties, and the adopted standards require that a minimum of three spaces are provided for each unit. It is recognised that a 10% reduction in parking could be applied, however, the accommodation schedule shows that only two spaces would be available for each of these properties.

The proposed parking ratios of the proposal are:

- o All houses, with the exception of Plots 1-3, have 2 car parking spaces;
- o All flats have 1 car parking space.

The proposal is therefore in conflict with the current parking policy, although it is recognised that this has changed from when the original planning application for the wider site was considered.

The adopted Placemaking Plan confirms that appropriate visitor parking is an essential part of any residential development, and that 0.2 spaces per dwelling would be required. A development of 70 dwellings would require a total of 14 visitor spaces to be provided. The current scheme shows that a total of 8 spaces would be included as part of the scheme.

At site-wide level, if the proposal is considered alongside the concurrent application (ref: 20/02926/FUL) it would result in a parking ratio of 1.75 parking spaces per dwelling with 0.11 visitor spaces per dwelling. This is clearly below the parking standards required by policy ST7. However, the existing approved scheme has a parking ratio of 1.56 parking spaces per dwelling with 0.13 visitor spaces per dwelling. It is therefore considered that the proposed parking ratios, on balance, are not significantly worse than the approved parking ratios, albeit the proposed development contains a greater proportion of houses than the approved scheme.

Despite the conflict with the parking standards in ST7, it is considered that the fall-back position in terms of the previously agreed parking ratios justify the current levels of parking proposed. The application has been advertised as a departure from the development plan on this basis.

The highway layout within the development has been reviewed. There is no objection to the introduction of the "through route" between Plot 97 and 106, and it is considered very unlikely that there would be any significant rat running through this part of the site.

Should planning permission be granted a Construction Management Plan would be a requirement to ensure that there was no detrimental impact on nearby residents throughout this phase of the development within Holburne Park.

6. DRAINAGE

The drainage details submitted with the application confirms that the proposed layout is acceptable with no increase in flood risk or discharge rate from the wider development site.

7. ECOLOGY

The development site lies adjacent to a designated Site of Nature Conservation Interest (SNCI) "Fields by the canal & Railway (Hampton Row)". The Kennet and Avon Canal SNCI lies a short distance to the north. An up to date ecological assessment has been submitted (Clarkson and Woods, August 2019) which has been reviewed by the Council's Ecologist.

The proposal primarily affects an area of the wider development site that has a previous planning consent. The changes to the scheme in this proposal appear unlikely to have significant ecological implications.

The submitted ecological report assesses and proposes ecological mitigation and compensation for this scheme. It is considered that it would be achievable based on the range of measures described in the submitted ecological report, and final scope and details of requirements can be agreed and secured by condition. Additional measures to provide benefit to wildlife should be incorporated into the scheme within the built environment as part of this condition.

Subject to conditions, including a condition to secure final details of lighting design, there is no ecological objection.

8. PARKS AND GREEN SPACES

The proposal will have no additional impact on the supply of greenspace as a result of this development compared to the currently approved scheme.

9. SUSTAINABLE CONSTRUCTION

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. Policy SCR1 requires major developments to provide sufficient renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%.

SAP calculations have been submitted with the application to demonstrate that the development would achieve a 32% reduction in carbon emissions compared to the baseline. This includes an 18% reduction from solar PV panels which have been included in the scheme. The proposals are therefore considered to comply with policies CP2 and SCR1.

10. AFFORDABLE HOUSING

Background

The original planning permission (ref: 14/02272/EFUL) was granted subject to the provision of 40% affordable housing in accordance with policy CP9 of the Core Strategy.

A subsequent application (ref: 16/04289/EFUL) was permitted to increase the total number of dwellings in the scheme, but without increasing the provision of affordable housing. The percentage of affordable housing therefore dropped to 33% on-site with an additional financial contribution of £400K secured for the delivery of affordable housing off-site following a review of the site's viability. This equates to an on-site provision of 81 units of affordable housing across a total of 246 dwellings.

Holburne Park has, so far, delivered 61 dwellings (32 open market and 29 affordable) and a £163,333 of the £400k financial contribution towards off-site delivery of affordable housing has been made to the Council. The Holburne Park development has also already made a number of financial contributions towards a number of matters including transport, public open space and education.

Viability Assessment

A viability appraisal has been submitted to cover both this application and a concurrent application for 8 additional dwellings (ref: 20/02926/FUL). The appraisal has been reviewed by the Council's independently appointed viability consultants.

The majority of inputs into the viability appraisal have been agreed with the applicant. Previously there was a dispute over the appropriate benchmark land value. Whilst still in dispute the applicant's appraisal has adopted the Council's figures for the purposes of their assessment.

The review of the viability appraisal submitted with the previous application (ref: 19/03838/FUL) was complicated by the timing of the Covid-19 public health crisis which has created a significant degree of uncertainty within the housing and development sectors. There remains some uncertainty regarding the impact of the crisis upon sales values, but the Council's independent viability assessment consider that the price adjustments used in the applicant's appraisal are not unreasonable.

In reviewing the applicant's appraisal, the Council's independent assessors have noted that by revising the phasing of the development, and the cost and sales assumptions they have managed to increase the viability of the development significantly. However, despite these positive changes to the scheme it still produces an overall viability deficit of -£530K.

It should also be noted that the review of the viability appraisal was based upon the applicant's earlier affordable housing offer of providing 10no. discount market units (at 70% of Open Market Value). This has since been revised to 20no. discount market units (at 70% of Open Market Value) which is outlined below and will have a further negative impact upon the overall viability.

Affordable Housing Offer

The applicant maintains that the development cannot support the provision of any additional affordable housing, but has offered to provide 20 discount market unit for sale (12 x 1-bed; 8 x 2-bed) offer to the market at 70% of full value capped at a £187,500 sale price for 1-bed dwellings (consistent with previous discount market units in the early Section 106 agreement) and capped at £316,000 sale price for 2-bed dwellings. These affordable housing units would be provided within proposed block BF13

This is considered to be a significant increase over the previous affordable housing offer which was to provide a financial contribution of £644,000 (equivalent to 8no discount market units at 80% of open market value) towards the delivery of affordable housing off-site.

All of the proposed discount market housing units meet with the Technical Housing Standards - nationally described space standards, March 2015.

In light of the findings of the viability appraisal and review, the Council's Housing Team is supportive of the proposed affordable housing offer. The proposed discount to the open market value of this housing would not meet with the usually expected affordability criteria for affordable housing in B&NES. However, given that the negative viability of the scheme no further discount to the open market value could be justified.

The applicant has not offered any dwellings as Social Rented or Shared Ownership due to the fact that the values these would need to set at would make the scheme even less viable.

The applicant has also offered to sign up to a legal agreement requiring a viability review to be carried out near the end of the development. Any surplus profit from the development would be split with the Council as an additional financial contribution towards the off-site delivery of affordable housing elsewhere across the district.

This review would be on the basis of an open book exercise based upon audited accounts/management accounts of the developer. Given the uncertainty around the housing market going forward and the site circumstances (discussed below) there is a possibility that this review mechanisms would not yield any additional contributions towards affordable housing

It should also be noted that the Council's independent viability assessors concluded that given the current level of uncertainty within the housing and development markets, the overall revised offer in respect of affordable housing may be a reasonable approach to protecting the Council's position and ensure the delivery an element of affordable housing on the site.

In summary the applicant's revised offer as part of this application would mean that the proposed development would provide 20 units of affordable housing and Holburne Park as whole, including those houses already built, would provide 25% affordable housing (49 units).

Site circumstances and other relevant considerations

An important principle to understand when assessing scheme viability is that development assumptions should be based on "market" as opposed to "developer specific" assessment - this is to mean that the assessment assumes how a typical or hypothetical developer in the market would act rather than assessing developer specific circumstances

In practice, the applicant has provided evidence to demonstrate that the viability of the existing development has been significantly impacted by a series of unforeseen events and market trends. The majority of these matters could be considered part of developer risk and are not considered as part of standardised approach to viability. However, this evidence has demonstrated that there is a significant risk that the current developer will be unable to continue development of the site unless the amendments to the scheme (including the reduced level affordable housing) are approved.

If this risk was realised the development of the site would very likely cease and would not likely re-commence until after a new developer of the site came forward. This would very likely result in a significant delay to the delivery of the site and could have implications on whether or not the site can be counted within the Council's 5 year land supply. This is particularly pertinent within the city of Bath where there housing delivery is under pressure.

Furthermore, if construction works were to cease in their current state, existing residents who have moved onto the site already would be stuck on an unfinished construction site with no certainty about when it would be finished. Additionally, there would be the loss of all the construction jobs currently on site and a knock-on effect upon the development's supply chain.

It is also evident that the scheme proposed is relatively high-end in terms of the product and its target market. Viability assessors have advised that housing pitched at the higher end may be more susceptible to downward pricing adjustments than lower value properties (i.e. more standard 'plc' type estate housing) since the market is much tighter (fewer purchasers) combined with less support from government schemes and initiatives such as Help to Buy.

Whilst the developer's specific situation is not a material consideration that should be given any significant weight, the implications for the housing delivery and for existing residents if the site were to stall can be given weight in the planning balance.

Affordable Housing conclusions

In light of the conclusions on the viability appraisal which shows that there to be a viability deficit, the applicant's offer to provide 20 discount market units (at 70% of open market value) is considered to be reasonable and possibly the best offer that the Council could expect to achieve on this site given its current circumstances.

Overall, this would mean that the Holburne Park development would provide 25% affordable housing. Whilst this would be less than the currently approved position (33%),

the site circumstances indicate that this is unlikely to be delivered in its current form. The proposed development with its revised offer ensures that the development will ensure a continuity of delivery and a significant number of homes towards the Council's housing targets whilst also providing a reasonable proportion of affordable homes on site.

The inclusion of viability review mechanisms will help to safeguard the Council's position against the uncertainty around the impact of the current public health crisis on the housing sector. If the impact is not as severe as predicted or the housing market rebounds better than expected, then a review mechanism will ensure that any excessive profit is secured as additional money which can be put towards the delivery of affordable housing elsewhere in the district.

Whilst the reduced level of affordable housing compared to the current approved position is disappointing, it is considered that, the following factors combine to justify the applicant's current offer of a commuted sum:

1. The current uncertainty created by the Covid-19 pandemic and its impact upon the housing and development sector;
2. The offer of 20no. Discount Market Units at 70% of open market value despite the negative viability position;
3. The use of a viability review mechanism and security to safeguard the Council's position in the event that excessive profit is realised;
4. The desire to avoid delivery of the site stalling with the consequential adverse effect on housing delivery, the detrimental effect upon the amenities of existing occupiers on the site and the loss of construction jobs;

In light of the above, it is considered that, the affordable housing offer is a significant uplift from the previously refused application and is acceptable and justified in these particular circumstances.

11. COMMUNITY INFRASTRUCTURE LEVY

The proposal would be liable to pay the community infrastructure levy at a rate of £100 per square metre of residential floorspace. The approximately liable for this proposed scheme is £689,831.

12. CONCLUSION

The reduced level of affordable housing on-site compared to the current approved position weighs against the proposal.

However, the significant uplift in the applicant's affordable housing offer, the conclusions of the viability appraisal and the particular site circumstances combine to outweigh this harm and offer what can be considered as the best reasonable offer that the Council could expect to achieve from this development under the current circumstances.

The desire to avoid the site stalling and the potential effect upon housing delivery, existing occupiers and construction jobs also weighs significantly in favour of the application.

Although the Urban Designer has made some fair criticisms of the proposal's design, it is still considered to be an improvement on the existing approved scheme. Furthermore, the Landscape Officer considers that the proposals to be an improvement on the approved position in terms of their impact upon World Heritage Site. This also weighs in favour of the application.

Whilst there are concerns about the proposals not meeting the required parking standards within policy ST7, these are outweighed by the comparison with the existing fall-back position which includes similar parking ratios to that now proposed.

In all other regards, the proposals are considered to comply with the development plan and accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan.

It is considered that above matters combine to justify the proposed development as the benefits of permitting the development clearly outweigh any identified harms. The application should therefore be permitted, subject to the completion of a s106 legal agreement.

RECOMMENDATION

PERMIT

CONDITIONS

0 DELEGATE TO PERMIT

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

a) 20 discounted market sale units (12 x 1-bed; 8 x 2-bed) offered to the market at 70% of full value capped at a £187,500 sale price for 1-bed dwellings (consistent with the agreed Section 106 discounted market unit cap) and capped at £316,000 sale price for 2-bed dwellings.

b) a viability review; to be carried out near the end of the development and any agreed proportion of any surplus profit to be provided as an additional financial contribution towards the delivery of affordable housing off-site.

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

1 Standard Time Limit (Compliance)

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

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

2 Wildlife Enhancement (Pre-commencement)

No development beyond slab level take place until full up to date 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) Detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including habitat creation; wildlife-friendly planting / landscape details; provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan.

3 Ecological Follow-up report (Pre-completion)

Prior to completion of the development hereby approved a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

4 External Lighting (Bespoke Trigger)

No new external lighting shall be installed on the layout hereby approved without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; details of predicted lux levels and light spill on both the horizontal and vertical planes and at a range of heights; and details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Local Plan.

5 Construction Management Plan (Compliance)

The development hereby approved shall be undertaken in accordance with the Construction Management Plan approved in writing by the local planning authority by letter dated 18 January 2016 (Reference: 15/05486/COND). Within one month of the date of this permission a revised construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The revised plan shall include details of the following:

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

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

Reason: To protect the amenities of the occupants of adjacent residential properties, the adjoining canal and wider environment and to ensure the safe operation of the highway.

6 Welcome Pack (Compliance)

Before each dwelling is first occupied new residents' welcome packs shall be issued to purchasers. The content of the new resident's welcome packs shall be as per the details approved in writing by the local planning authority by letter dated 13 October 2017 (Reference: 17/03581/COND)

Reason: In the interests of sustainable development.

7 Arboricultural Compliance (Pre-occupation)

The development shall proceed in accordance with the detailed Arboricultural Method Statement/Tree Protection Plan approved by the local planning authority by letter dated 7 August 2017 (LPA Ref: 17/2738/COND) with the exception of T33, T35, T36, G5, T38 and T107 where the development shall proceed in accordance with the Arboricultural Implications Assessment and Arboricultural Method Statement areas 1 and 5 (Treecare Consulting) dated May 2019. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority prior to the occupation of the development.

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

8 Parking (Compliance)

The areas allocated for parking and turning on the approved site layout plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

9 Contaminated Land - Investigation (Compliance)

The development hereby approved shall be undertaken in accordance with the Composite Contamination Report (March 2016, Integrale Limited) and Report on Supplementary Soil Gas Monitoring & Contamination Analyses (June 2014, Integrale Limited) both approved in writing by the local planning authority by letter dated 25th April 2016 (Reference: 16/01732/COND)

Reason: In order to ensure that the land is suitable for the intended use 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

10 Contamination - Remediation (Compliance)

The development hereby approved shall be undertaken in accordance with the Remediation Strategy and Method Specification (Reference: 9202/RMS) approved in writing by the local planning authority by letter dated 22 June 2016 (Reference: 16/02834/COND).

Reason: In order to ensure that the land is suitable for the intended use 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

11 Contamination - Verification (Pre-commencement)

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced prior to occupation, and is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure that the land is suitable for the intended use 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.

12 Unexpected Contamination (Compliance)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the aforementioned conditions and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the aforementioned conditions, which is subject to the approval in writing

of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the aforementioned conditions.

Reason: In order to ensure that the land is suitable for the intended use 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.

13 Drainage Strategy (Compliance)

The surface water and foul drainage systems shall be installed in accordance with the Drainage Strategy Addendum Report hereby approved (Campbell Reith August 2019).

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

14 Landscaping Scheme (Compliance)

The hard and soft landscaping of the development shall be undertaken in accordance with the details hereby approved by the local planning authority (Soft Landscape Plan 902-MWA-00-XX-DR-L-0025 rev 06 and Hard Landscape Plan 1902-MWA-00-XX-DR-L-0020 Rev 05) unless an alternative scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with the details approved no later than the end of the first planting season following first occupation of the development.

Reason: To ensure the provision of an appropriate landscape setting to the development and provide appropriate tree planting to compensate for the trees removed through the development, and to ensure that the external appearance of the development is satisfactory in order to protect the character and appearance of the Conservation Area, the setting of adjoining Listed Buildings and the setting of the World Heritage Site.

15 Landscape Implementation (Pre-occupation)

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 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.

16 Materials (Compliance)

The external materials and finishes of the development shall accord with the samples approved by the local planning authority by letter dated 6 July 2017 (Reference: 17/02294/COND) as applied according to the approved drawings, unless alternative

sample panels have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in full accordance with the approved details and sample panels.

Reason: To ensure that the external appearance of the development is satisfactory in order to protect the character and appearance of the Conservation Area, the setting of adjoining Listed Buildings and the setting of the World Heritage Site.

17 Street Lights (Bespoke Trigger)

Details of the street lights and columns serving the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to their installation. The street lights and columns shall be installed in accordance with the details so approved.

Reason: In the interest of the appearance of the development and the surrounding area.

18 Noise Levels (Pre-occupation)

On completion of the development 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. The following levels shall be achieved:

Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect future occupants of the development from exposure to noise from road traffic.

19 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 153300-STL-XX-ZZ-DR-A-01001 PL01 PHASE 3A-1 - GA PLANS
153300-STL-XX-ZZ-DR-A-01002 PL01 PHASE 3A-2 - GA PLANS
153300-STL-XX-ZZ-DR-A-01004 PL01 PHASE 5 LOWER TERRACE - GA PLANS
153300-STL-XX-ZZ-DR-A-01005 PL01 PHASE 5 UPPER TERRACE - GA PLANS
153300-STL-XX-ZZ-DR-A-01006 PL02 BF13 & BF14 - GA PLANS
153300-STL-XX-ZZ-DR-A-02001 PL01 PHASE 3A-1 ELEVATIONS
153300-STL-XX-ZZ-DR-A-02002 PL01 PHASE 3A-2 ELEVATIONS
153300-STL-XX-ZZ-DR-A-02004 PL01 PHASE 5 ELEVATIONS - 1 OF 2
153300-STL-XX-ZZ-DR-A-02005 PL01 PHASE 5 ELEVATIONS - 2 OF 2
153300-STL-XX-ZZ-DR-A-02006 PL01 BF13 BF14 ELEVATIONS
153300-STL-XX-ZZ-DR-A-02006 PL02 BF13 & BF14 ELEVATIONS
153300-STL-XX-ZZ-DR-A-03001 PL02 LONG SECTIONS 1

153300-STL-XX-ZZ-DR-A-03002 PL02 LONG SECTIONS 2
153300-STL-XX-ZZ-DR-A-09001 PL02 LOCATION PLAN - EASTERN PARCEL
153300-STL-XX-ZZ-DR-A-09002 PL02 SITE PLAN
153300-STL-XX-ZZ-DR-A-09006 PL02 SITE PLAN - EASTERN PARCEL
1902-MWA-00-XX-DR-L-0001A_11 C STRATEGIC LANDSCAPE PLAN
1902-MWA-00-XX-DR-L-0020_05 P HARD LANDSCAPE PLAN 1 OF 3
1902-MWA-00-XX-DR-L-0025_06 P SOFT LANDSCAPE PLAN 1 OF 3
153300-STL-XX-ZZ-DR-A-09003 PL02 BF13 & BF14 CYCLES, REFUSE AND RECYCLING

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 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.

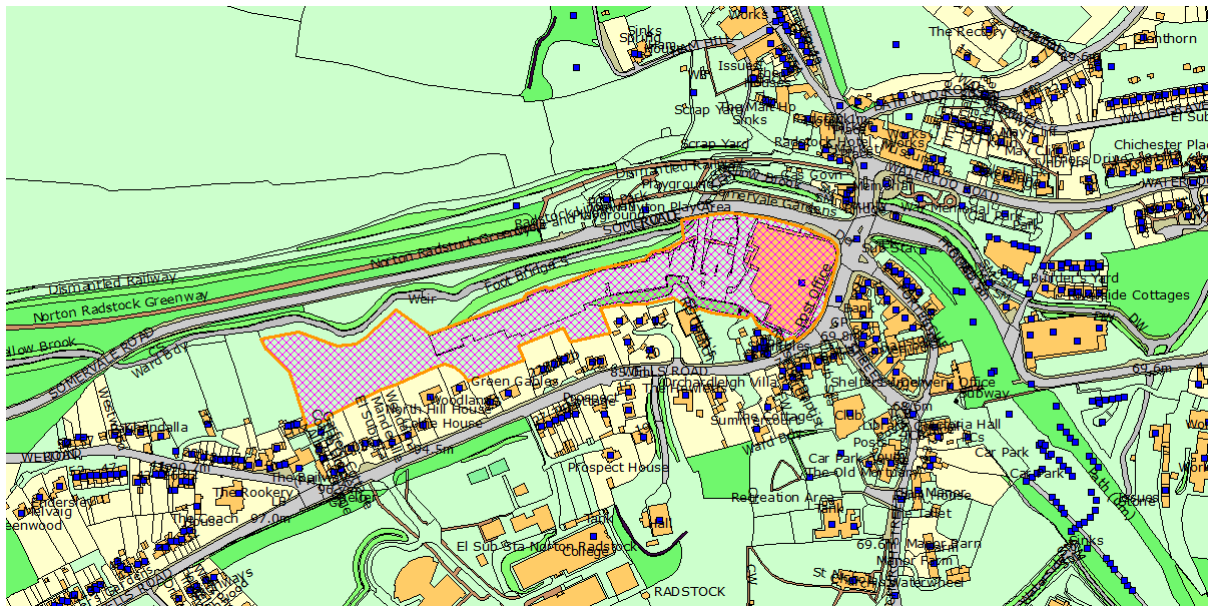
Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

Item No: 04
Application No: 18/05623/OUT
Site Location: Co-Operative Store A Wells Road Westfield BA3 3RQ



Ward: Westfield **Parish:** Westfield **LB Grade:** II
Ward Members: Councillor Eleanor Jackson Councillor Robin Moss

Application Type: Outline Application

Proposal: Hybrid planning application for the mixed-use redevelopment of the Co-Operative store and associated car park in Radstock comprising -
 1. Full planning permission for the demolition of existing store and construction of 1795sqm retail floorspace including replacement store (Class A1), 722sqm office floorspace (Class B1) and 28 dwellings (Class C3) with associated car and cycle parking, works to existing access, landscaping, public realm, drainage and infrastructure.
 2. Outline planning permission for 26 dwellings with associated car parking, landscaping, drainage and infrastructure (access, scale, and landscaping determined, all other matters reserved).

Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Policy CR3 Primary Shopping Frontages, Flood Zone 2, Flood Zone 3, Housing Development Boundary, Listed Building, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones,

Applicant: The Radstock Co-Operative Society

Expiry Date: 25th September 2019

Case Officer: Chris Gomm

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

REPORT OCTOBER 2020 UPDATE

This hybrid planning application was debated at the October 2019 meeting of the Planning Committee where it was unanimously resolved to DELEGATE TO PERMIT subject to the conditions set out in the committee report and subject to the prior completion of a S.106 Agreement (the heads of terms of which were also set out in said committee report); the original report is reproduced below and remains relevant/applicable save any reference to the S.106 phasing triggers - which are the subject of this update report.

The Issue

This application returns to committee because the parties have been unable to reach agreement in respect of one of the key elements of the committee's previous resolution. The previous resolution included, amongst other things, that the S.106 Agreement ensure that Phase 1 (the new store, flats and commercial uses) come forward in advance of Phase 2 (the residential redevelopment of the rear car park).

The reason for this phasing requirement was to reduce the risk, albeit low, that Phase 2 be developed in advance of Phase 1; this would enable Phase 2 to be delivered in isolation and raise the possibility that Phase 1 may never come forward. Such a scenario would generate a number of unacceptable planning issues not least the significant public benefit of the scheme would not be realised and furthermore the Radco store would be left without a sufficient car park. Phase 2 is only acceptable if delivered as part of the wider redevelopment of the site; it is not acceptable in isolation.

Following the October 2019 committee resolution it has become apparent that the applicant is unable to legally commit to Phase 1 coming forward in advance of Phase 2; such a requirement it is argued places problematic legal and financial limitations on the applicant, Radstock Cooperative Society.

The Recommended Way Forward

An alternative compromise position has been agreed by both parties. It has been agreed that the 'completion of piling on Phase 1' is an acceptable trigger for the delivery of Phase 2. Whilst such a trigger does not eliminate the risk of Phase 2 coming forward without Phase 1 it does significantly reduce that risk. The completion of piling is a fairly advanced stage in terms of financial commitment; by this stage the existing Radco store will have been demolished, the site cleared, certain ground works undertaken and all Phase 1 piling, which is a substantial cost, completed. This trigger and the works undertaken to get to it will provide the Council with sufficient confidence that Phase 1 is indeed coming forward and that Phase 2 may therefore be delivered.

RECOMMENDATION

DELEGATE TO PERMIT AS PER THE OCTOBER 2019 COMMITTEE RESOLUTION WITH THE EXCEPTION OF THE S.106 HEADS OF TERMS RELATING TO PHASING WHICH ARE INSTEAD ARE SUBSTITUTED BY:

- o Work not to commence on Phase 2 until the completion of all piling operations on Phase 1

ORIGINAL COMMITTEE REPORT BELOW

Reason for Reporting to Committee

This application is the subject of a viability assessment in respect of affordable housing (and other planning obligations). It is therefore necessary (pursuant to Section 1A Paragraph 6 of the Scheme of Delegation) for the application to come before the Planning Committee for its consideration and determination.

The Application

This is a hybrid planning application seeking full planning permission for the demolition of the existing 'Radco' co-operative supermarket and its replacement with 1795sqm of retail floor space (of which 1123sqm relates to the replacement supermarket), office floor space (722sqm) and 28 flats; these elements of the scheme are to be provided within two mixed-use three-storey buildings. Full permission is also sought for the associated infrastructure including a 84 space car park serving the retail (staff and customers), commercial and residential uses. The full permission element of the application is referred to in the submission as Phase 1.

The application also seeks outline permission for residential development towards the rear of the site along with its associated infrastructure. Permission is sought at this stage for the means of access, scale and landscaping of this element of the site with all other matters reserved. Outline permission is sought for 26 dwellings in this area and this element of the proposal is referred to as Phase 2 in the submission.

The submission states that a temporary supermarket is to be provided on the site during construction works; it should be noted however that permission for this aspect of the proposal does not form part of the current planning application; a separate planning application will be required.

The Application Site

The application site is situated in the heart of Radstock in a high profile position on the corner of Wells Road and Somervale Road (A362). The existing Radsco supermarket building, constructed in 1959, occupies the corner itself and is a well-known landmark in the town. To the rear (west) of the store is its associated service yard and vehicular access from/to Somervale Road. Further to the west is the store's large linear car park with substantial peripheral vegetation and tree cover; this peripheral planting is a locally designated Site of Nature Conservation Interest (SNCI). The Wellow Brook runs through the northern area of planting and this is a designated Environment Agency 'Main River'; the brook is surrounding by a limited area designated as Flood Zone 2 and 3 (medium and high flood risk respectively).

The site is within the Radstock Conservation Area. The listed building records (Historic England) indicate that supermarket building itself is Grade II listed; this is understood to be due to an administrative anomaly. The Rectory building which formerly stood to the rear of the supermarket building, and which was Grade II listed, was demolished in the 1980s.

The Wells Road climbs steeply to the south of the application site. A number of predominantly residential properties situated on the northern side of Wells Road back on to the application site. Due to the rising topography these properties are elevated above the application site, in some cases considerably so.

Environmental Impact Assessment

In 2018 the local planning authority received a formal EIA (Environmental Impact Assessment) Screening Opinion request (Ref: 18/02854/SCREEN). The application sought formal determination as to whether that development (1100sqm retail store; 1000sqm other retail; 600sqm office and up to 90 dwellings) required an EIA. The Council concluded at that time that the development was not EIA development and as such a formal EIA/ES was not required. The current proposal differs from that described in the 2018 Screening Opinion but not significantly so. The Council similarly considers that the current proposal is not EIA development.

Relevant Planning History

There is no planning history relevant to this application other than the EIA screening opinion outlined above. The planning history here comprises numerous applications for advertisement consent and works to trees none of which are considered relevant.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

B&NES Planning Policy: **OBJECTION**

The proposal for the redevelopment of the Radco store is broadly supported in principle through the PMP. The proposal would bring forward an under used/brownfield site for a mixed use development, providing town centre appropriate uses and the potential for significant public realm improvements, which is supported in Policies SV1 and SV3 of the PMP, and could bring significant improvements to Radstock town centre.

A substantial part of the existing car park would be redeveloped for housing as an element of the proposal. The housing in the proposal within the car park is located outside of the HDB for Radstock and therefore would not be acceptable in principle.

Policy 12 of the Westfield Neighbouring Plan requires further information to justify the changes to the existing retail offer.

B&NES Highways: **NO OBJECTION**

- o There are a series of short stay cycle parking opportunities across the site; this is welcomed and will provide for visitors to the development;
- o Dedicated and secure cycle parking is provided for the 28 residential apartments and appropriate cycle parking is also provided for the proposed Co-op store and supporting offices in Building 1 (although access needs to be clarified);

- o Cycle parking for the commercial uses in Building 2 is unclear;
- o The level of residential parking provision has been agreed as 30 unallocated spaces serving the 28 apartments;
- o A Parking Management Plan will be required so that the allocation of the spaces to residential can be agreed as well as electric charging facilities.
- o 54 car parking spaces for customers of the commercial uses are proposed. These spaces would all be allocated as short stay (90mins) (preventing staff parking);
- o The proposed 54 spaces are sufficient to serve the proposed commercial uses;
- o The existing car park has a capacity of 245 parking spaces;
- o Surveys were completed in April 2019 and this showed a maximum occupancy of 122 vehicles on a Friday and 113 vehicles on a Saturday;
- o The proposed redevelopment of this car park will clearly cause significant displacement of car parking (up to 70 vehicles);
- o Parking opportunities in other public car parks is severely limited, and it is clear that a large percentage of the displaced parking would need to occur in uncontrolled areas;
- o The pedestrian access to the site will be clearly improved as compared to the existing situation;
- o The proposed scheme includes a revision of the existing site vehicular access arrangements. Due to the proposed residential element of the hybrid application, at least part of the proposed site access road will need to be designed and constructed to an adoptable standard;
- o The proposed site servicing arrangements have been reviewed and swept path analysis demonstrates that the Service Yard would be accessible for larger vehicles;
- o The proposed scheme would result in a reduction of trips as compared to the proposed use of the site in the development scenario. Given this overall reduction in trips, including within the peak hour periods, it would not be reasonable for the highway authority to seek improvements to the local highway network;
- o There is a requirement to secure Travel Plans for each of the commercial elements of the site;
- o A Construction Management Plan will be required.

Historic England: No objection (but acknowledge that some harm will be caused which will need to be weighed against any public benefits).

- o Concerns were previously expressed regarding the impact of the development on the character and appearance of the conservation area;
- o Particular reservations were expressed about the proposed elevation to the Wells Road, and the relationship between the proposed development and the Shambles;
- o Broadly speaking the amendments address HEs concerns; there is a greater degree of animation to the Wells Road elevation and the proposed buildings have an improved relationship with the existing properties at the Shambles;
- o The proposals will still cause a degree of harm to the character and appearance of the conservation by virtue of the increased height of the proposed buildings blocking current attractive views across the site to the rural landscape beyond. However, the harm has been minimised as far as is possible by improvements to the design;
- o The development would cause less than substantial harm to a designated heritage asset - in this case the Radstock Conservation Area - and Historic England recommends that harm should be weighed against any wider public benefits offered by the proposals, in accordance with NPPF paragraph 196.

B&NES Conservation Officer: OBJECTION

- o The materiality has improved although the use of non-local buff brick is still proposed for some of the elevations [case officer note: the buff brick has now been deleted];
- o The varied roofline will give a more interesting profile. However the historic townscape has an evolved character and the difference in design and roofline line are structural;
- o The scheme proposes a fairly homogenous building with the roofline breaking forward to gables which is visually much weaker;
- o Overall the revised scheme is an insipid interpretation of the local townscape lacking the vigour and quality of the historic buildings in Radstock;
- o The scheme will cause less harm than previous iterations but it will not enhance the character of the conservation area;
- o The scheme because of its overall height will still result in the significant loss of the wider landscape views which are intrinsic to the character of Radstock which will cause considerable harm to the designated conservation area;
- o The opening up of new views will not compensate;
- o Views of the Shambles (as you climb the hill out of the town) - a non-designated heritage asset making a positive contribution to the character of the conservation area will also be compromised;
- o Paragraph 193 from the NPPF requires great weight to be given to the assets conservation, irrespective of whether the harm is substantial, total loss or less than substantial harm to its significance.
- o In this case overall the redevelopment as submitted would still cause a considerable albeit less than substantial level of harm thus engaging paragraph 196 from the NPPF;
- o Compelling public benefits would need to flow from the development to outweigh this level of harm.

B&NES Urban Design: NOT ACCEPTABLE IN CURRENT FORM (but does not recommend refusal)

- o The proposed heights reflect the ambient heights within Radstock town centre and are befitting of this use and its site. Subject to matters of levels and accessibility, they are therefore acceptable in principle;
- o The 1999 Radstock Conservation Area Appraisal describes the existing building as one of the most intrusive because of its anomalous scale and plan. It can therefore be concluded that it is harmful and its replacement would be a potential conservation area enhancement;
- o The building lines of each block are set back from the Wells Road and the proposed space creates an inverted corner feature providing improved views to the north;
- o Views to the south slopes and trees in particular are blocked, which may be considered harmful;
- o This scheme renews the headquarters of an historic local business. As such, it has acquired an important place in the economy and heritage of Radstock and can justify its prominence in the townscape;
- o On balance, the benefits delivered by the removal of the 1959 store and contribution this scheme makes to the reweaving of the "nebulous" (Radstock

Conservation Area Appraisal) town centre, outweigh the loss of some views, that have been partially enabled by the presence of the under-scaled RADCO building;

- o Options for the long eastern facade of building 1 has arrived at a frontage of sections and gables which now draws more upon the character of its opposing terrace more successfully, removing anomalous forms criticised in the initial proposal.
- o The southern and northern facade components retain a more rectilinear form, which is considered appropriate to address this gateway into the town centre.
- o Details of the west and south elevations do not appear to be updated [case officer note: all plans have now been updated];
- o The east frontage addressing the new space is considered appropriate.
- o The northern frontage to Somervale Road has sought to achieve a pavement level active frontage, which is welcomed. However, the recessed residential frontage above lacks both the interest, articulation and the quality of materials for its gateway location;
- o The site levels existing and proposed, together with the slope of the Wells Road create difficulties in achieving a direct and active Street frontage the choice of large footprint buildings exacerbate this, particularly for building 1. However, the scheme appears to seek to achieve level access across the site within a single ground floor level;
- o The raised plinth continues to raise the building above the street frontage, although the lower shopfront on the north frontage does assist in providing some active frontage at pavement level;
- o The use and distribution of ashlar and coarser rubble Lias stone is welcomed.
- o The use of brick remains unacceptable in this town centre context. There is no contextual cue to support its use. This should be reconsidered [case officer note: the brick has now been deleted from the scheme];
- o The use of slate is supported and is the contextual material;
- o Whilst only at an early stage of development, the site plan appears heavily influenced by car parking and vehicle access. The building siting and grain do not appear to be drawing upon the context of this part the of the conservation area;

B&NES Arboricultural Officer: OBJECTION

- o Full planning application: this part of the application has a limited impact on the most important trees on and adjacent to the site;
- o A Detailed Arboricultural Method Statement will be required and can be conditioned;
- o Outline planning application: An Arboricultural Impact Assessment (AIA) has now been provided which acknowledges that the new residential properties will be affected by the existing trees within the north and south tree belts;
- o The AIA states that tree works will be required to enable the development;
- o The effect on the tree belts will be largely determined by occupant perceptions and tolerances;
- o The proposal does not conserve or enhance continuous canopy cover within the southern tree belt which contributes towards the green infrastructure and is a skyline feature;

B&NES Parks & Open Space: SCOPE FOR REVISION

- o The development generates a demand for recreational green space as evidenced by the Green Space Strategy 2015. The policy requirement is under LCR6 New and replacement sports and recreational facilities.

- o The revised plans omit committing to providing on or off-site public greenspace to meet needs of the residential development.
- o The application site includes land on-site designated as an SNCI, a Landscape & Ecological Management Plan (LEMP) is required and Heads of Terms have been submitted;
- o The LEMP will need to include an additional objective to provide public access to the woodland area to meet the recreational green space requirement.
- o The long term maintenance funding of the on-site green spaces to achieve the LEMP objectives will need to be agreed within a S106 agreement as part of this outline application.

Environment Agency: NO OBJECTION subject to conditions

B&NES Flooding & Drainage Team: NO OBJECTION subject to conditions

B&NES: Landscape Officer: OBJECT / SCOPE FOR REVISION (but does not recommend refusal)

- o The proposed development is unlikely to have a significant visual impact when viewed from publicly accessible points on the higher ground surrounding the site;
- o From closer viewpoints the greater height of the proposed development, when compared to the existing development, would cause it to substantially screen views out to the wider landscape;
- o The latest revision of the landscape general arrangement plan for the mixed use part of the development addresses some of the pedestrian/vehicular conflicts;
- o Similarly the latest iteration of the general arrangement plan for the residential area (Novell Tullett 709 101 rev 04 dated 07.08.19) makes no substantive changes to the landscape layout apart from the apparent removal of paths within the existing woodland;
- o The dominance of alder and smaller tree species on the revised planting plan is still unacceptable;
- o Yet to be convinced that the residential development of the car park to its west is achievable without incurring unacceptable immediate and longer term adverse impacts on the existing mature trees which may have unacceptable and highly significant adverse impacts on the landscape and visual character of the surrounding area.

Avon Fire & Rescue: Comment

Avon Fire & Rescue Service has calculated the cost of installation and five years maintenance of a Fire Hydrant to be £1,500 per hydrant; this cost should be borne by the developer.

B&NES Archaeology: No objection subject to condition

The Cotswold Archaeological Heritage Statement (CA Report: 18727, December 2018) concludes that there is some potential for buried archaeological remains to be impacted by this proposal. This conclusion is agreed with.

B&NES Environmental Protection:

- o An initial stage 1 noise risk assessment must be conducted by a suitably qualified and competent person. It should indicate whether the site is of negligible, low, medium or high risk in terms of noise
- o An Acoustic Design Statement (ADS) should provide sufficient evidence that the ProPG Stage 1 and Stage 2 Elements 1 to 4 have been followed;
- o Conditions can deal with plant/machinery noise as well as deliveries and construction management issue

B&NES Contaminated Land: No objection subject to conditions

B&NES Housing Services: OBJECTION

NPPF considers a site of 10 or more homes as a major development and as such Local Planning Policy CP9 requires a 30% Affordable Housing contribution. The applicant must therefore submit an Affordable Housing Statement on how they intend to satisfy planning policy CP9. 9 January 2019

B&NES Flooding & Drainage Team: No objection subject to conditions

B&NES Education Team: No objection

B&NES Public Rights of Way Team: No objection

Bristol Water: Comments - infrastructure on site

B&NES Ecologist: NO OBJECTION

- o The wooded watercourse (Wellow Brook) has been identified as a commuting route for bats, including horseshoe bats which are likely to be associated with nearby designated "Bat" Special Areas of Conservation (SACs) ie the Bath & Bradford on Avon Bats SAC, Mendip Woodlands SAC, and Mells Valley SAC;
- o The LPA is obliged under the Habitats Regulations to consider whether the proposal may be capable of impacts on the SACs or bats associated with the SACs (or habitats on which they depend);
- o There is confidence that direct impacts on the SACs and SAC objectives as a result of this development can be ruled out;
- o The key feature associated with this site which is of value to bats associated with the SACs is the adjacent Wellow Brook and associated wooded slopes, and this, and its use by "SAC bats" does have potential to be impacted by the proposal;
- o The scheme has been designed to retain existing habitats with their connectivity intact; the key habitat areas fall outside of the red line boundary;
- o The ecological assessment identifies measures for habitat protection during construction, which are feasible and can be secured by condition;
- o The scheme also includes proposals for ecologically beneficial long term management of the woodland and associated habitats, with provision of suitable habitat conditions for bats forming a key objective. These long term proposals are also considered to be appropriate and feasible;
- o Subject to the proposed mitigation set out above, the risk of likely "significant effects" on the SAC bats and habitats on which they rely resulting from site preparation and construction activities, and longer term impacts on habitats associated with access,

potential for disturbance, and long term habitat retention, quality and connectivity, are considered to be eliminated;

- o Lighting will need to be satisfactorily controlled by condition (the submitted lighting strategy relating to the illustrative scheme provides sufficient confidence);
- o The Heads of Terms for a Landscape Ecological Management Plan have been submitted and are welcomed alongside the revised submitted Ecological Assessment; further details can be secured by condition or S.106 Agreement;

Radstock Town Council: OBSERVATIONS

- o The Town Council should liaise with Westfield Parish Council in respect of this application and S.106/CIL matters.
- o Queries raised regarding whether the post office service would remain in the new building;
- o The inclusion of a Co-op bank in the new store would be useful.

Westfield Parish Council: SUPPORT

"Westfield Parish Council wholeheartedly supports the planning application on the grounds that (1) it enhances the Conservation Area, (2) it provides better working conditions for the employees and (3) it gives improved accommodation for local residents".

54 correspondence have been received from local residents of which 8 object to the application, 10 are neutral comments and 36 are in support; these are summarised as follows:

Summary of Support:

- o It is a fantastic opportunity for the development of Radstock as a town;
- o It will provide much needed housing and business premises;
- o The development will bring it up to date [Radstock] whilst appreciating the roots of the architecture in this area;
- o The existing building is not fit for purpose and is such an eye sore / blot on the landscape;
- o Let us take this opportunity to support this working class town with employment opportunities and security for the future;
- o The old store is past its sell by date;
- o The development will hopefully bring other businesses to the town, and make it a great place to live;
- o Radstock deserves some luck and money;
- o The traffic is horrendous at the double roundabout, hopefully the road will be made safer;
- o The proposal will support the local economy;
- o This is needed to rejuvenate the centre of Radstock;
- o It will safeguard many jobs and create more;
- o It will look so much better and secure the viability of the business and footfall to the town. It will really enhance the Radstock town centre;

- o It is a really positive, hopeful and visionary proposal for the future of the town and store; It will bring the area into the 21st century whilst still keeping the traditional look and feel;
- o The current building is old and dilapidated, the new plans look great and are a much needed upgrade for the benefit of everyone;
- o Radstock needs a bigger store and the employment that goes with it [case officer note: the proposed replacement store is not larger];
- o The present shop premises is ugly and does not match with either the old Lias stone of buildings from the mining area or the well-designed central redevelopment;
- o The new more compact building with additional provision for new business in the centre of town is an excellent proposal;
- o It appears to be a great improvement and also an opportunity with additional business premises to bring more job opportunities to the Norton Radstock area;
- o To be able to buy groceries in the centre of town is a positive thing and the scheme would be good for the local economy;
- o The Post Office within the Radco store is also a very important and well used counter by locals of all ages so the new store needs to have room for this facility;
- o Co-operative has been supporting the local community for many decades and has been invaluable in doing so;
- o It has always been a hub for social interaction;

Summary of Objections:

- o Highway safety concerns - the road junction gives very limited visibility to the left when leaving the site;
- o This access is opposite a children play area;
- o The additional loss of overall parking in Radstock will have a detrimental effect both generally and in particular on the museum and play area;
- o Concerned that taller buildings on the site, which will mirror those recently erected on the opposite side of the main road, will create adverse air quality conditions by creating an enclosed basin similar to that in the center of Bath;
- o Deeply concerned about the reduced parking and proposed houses in the existing car park;
- o The large Linden development has already met the housing needs in Radstock;
- o The increase in traffic will be extremely hazardous to other road users and pedestrians;
- o The proposed 3-storey properties will overlook existing residents;
- o The woodland walks proposed at the far end of the development that will back on to the residents on Wells Road, serve no purpose and will only encourage anti-social behaviour and massively impact the established wildlife;
- o More traffic for an already overloaded three roundabout system;
- o The proposed play area is excessive due to the large well equipped one literally across the road;
- o 55 dwellings are proposed of which only 28 meet the Westfield area needs (1/2 bedrooms);
- o Why is there a need for 3 storey;

POLICIES/LEGISLATION

The Council's Development Plan comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan (2007) Policy GDS1 (K2;NR2;V3 &V8) only
- o Neighbourhood Plans (where applicable) - Westfield Neighbourhood Plan (made November 2018)

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

Policy DW1: District-Wide Spatial Strategy
 Policy SV1: Somer Valley Spatial Strategy
 Policy SV3: Radstock Town Centre Strategic Policy
 Policy CP2: Sustainable Construction
 Policy CP5: Flood Risk Management
 Policy CP6: Environmental Quality
 Policy CP7: Green Infrastructure
 Policy CP9: Affordable Housing
 Policy CP10: Housing Mix
 Policy CP12: Centres and Retailing
 Policy CP13: Infrastructure Provision

The following policies of the Placemaking Plan are relevant to the determination of this application:

Policy SCR1: On-site renewable energy requirement
 Policy SCR2: Roof mounted/building integrated scale solar PV
 Policy SCR5: Water efficiency
 Policy SU1: Sustainable drainage policy
 Policy D1: General urban design principles
 Policy D2: Local character and distinctiveness
 Policy D3: Urban fabric
 Policy D4: Streets and spaces
 Policy D5: Building design
 Policy D6: Amenity
 Policy D7: Infill and back land development
 Policy D10: Public realm
 Policy NE2: Conserving and enhancing the landscape and landscape character
 Policy NE4: Ecosystem services
 Policy NE5: Ecological network
 Policy NE6: Trees and woodland conservation
 Policy NE1: Development and Green Infrastructure
 Policy PCS1: Pollution and nuisance
 Policy PCS3: Air quality
 Policy PCS5: Contamination
 Policy PCS7A: Sewage Infrastructure
 Policy H1: Housing
 Policy H7: Housing accessibility
 Policy LCR6A: Local green spaces

Policy LCR7B: Broadband
Policy LCR9: Increasing the provision of local food growing
Policy CR3: Primary shopping areas and primary shopping frontages
Policy ST1: Promoting sustainable transport
Policy ST8: Airport and aerodrome safeguarding areas
Policy D8: Lighting
Policy HE1: Historic environment
Policy NE2A: Landscape setting of settlements
Policy NE3: Sites species and habitats
Policy PCS2: Noise and vibration
Policy ST7: Transport requirements for managing development

The following policies of the Westfield Neighbourhood Plan (2018) are relevant to the determination of this application:

Policy 1: Residential infill and backland development
Policy 2: Housing Accessibility Standard
Policy 3: Housing Design
Policy 6: Important Views
Policy 7: Preservation of the Historic Environment
Policy 11: The provision of any new or additional retail floor-space
Policy 15: Developer Contributions
Policy 16: Broadband Provision
Policy 18: Road Dangers
Policy 19: Parking: Domestic Dwellings

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues in respect of this application are considered to be:

1. The principle of the proposed commercial uses (retail and office);
2. The principle of the residential elements;
3. Design, layout and impact on the character and appearance of the conservation area;
4. Highway matters (including reduction in car parking);
5. Ecological issues and Habitat Regulations Assessment (HRA) matters;
6. Residential amenity;
7. Technical requirements
8. Affordable housing and other planning obligations
9. Other planning issues

1. The Principle of the Proposed Commercial Uses

Core Strategy Policy SV3 sets out the strategic policy for Radstock Town Centre. The policy seeks to make provision for, amongst other things, residential development as part of mixed-use schemes as well as modern office space.

The proposed development involves the erection of a building fronting the Wells Road (Building 1) and another fronting Somervale Road (Building 2). Building 1 is to accommodate the replacement co-op supermarket on its ground floor with the Radco head office and a number of residential flats on the upper floors. Building 2 is to provide retail floor space on the ground floor with further residential flats on its upper floors. Both of these buildings are located within the designated Radstock Town Centre (as designated by Policy CP12 of the Core Strategy) as well as within the Primary Shopping Area (as designated by Policy CR3 of the Placemaking Plan). In addition, that part of the site which immediately fronts both Wells Road and Somervale Road (as far as the car park access) is designated as Primary Shopping Frontage.

As stated CS Policy SV3 seeks to make provision for residential and office development within Radstock Town Centre. Core Strategy Policy CP12 also more generally supports, amongst other things, retail and office development within existing centres. Policy CP12 goes on to state that active ground floor uses are to be enhanced and retail development is to be of a scale and type consistent with the existing retail function and character of the centre, as well as well-integrated into the existing pattern of the centre. Placemaking Plan CR3 states that within Primary Shopping Frontages development will be expected to maintain or provide active ground floor uses.

Policy 11 of the Westfield Neighbourhood Plan supports, subject to national and B&NES policies, new or additional retail floor space on the site of the existing Radco store if it enhances Westfield's shopping offer (adding to the mix etc.) and if it enhances the aspiration of developing a geographic centre of the community and avoids road congestion in peak periods.

It is evident that the mixed-use form of development proposed is consistent with the objectives of planning policy here. Retail and office development is supported in principle within Radstock Town Centre (subject to certain provisos). The proposed development involves the provision of extensive retail development at street level with active ground floor uses. The proposed scheme is considered to represent a significant enhancement in this respect; the existing Radco building has surprisingly little active frontage and is dominated by blank brick walls and obscured glazing on its most visible elevations. The proposed development however incorporates substantial active frontages in the form of glazed shopfronts fronting both Somervale Road and Wells Road as well as fronting the public realm (inbetween the two buildings) and the car park to the rear.

The scale and type of the retail development proposed (i.e. a downsized Radco supermarket and modest additional retail units) is considered to be entirely consistent with the retail function of Radstock Town Centre as well as its character. The extent to which the scheme integrates into the existing pattern of the centre is dealt with in the urban design section below. The commercial elements of the scheme (office and retail) are considered to accord with planning policy (in particular policies SV3, CP12 and CR3) and as such are acceptable in principle.

2. Principle of Residential Uses

Residential development is proposed in two key areas of the scheme; above the retail uses in Buildings 1 and 2 (as described above) and to the rear (west) of the commercial elements of the scheme on the area currently occupied by the substantive part of the Radco car park (as stated outline planning permission only is sought for this element).

Core Strategy Policy CP12 states that centres will be the focus for higher density forms of residential development provided that the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking. As stated above Policy SV3 also explicitly supports residential development within Radstock Town Centre where part of a mixed-use scheme. Radstock Town Centre is considered to be a suitable location for residential development. It is a highly sustainable location with good access to local services and facilities; it is also highly accessible by public transport, cycling and walking. The provision of residential units on the upper floors of the retail/commercial buildings is an efficient use of land and a logical way in which to provide additional dwellings.

The residential units proposed to the rear of the commercial buildings (on the substantive part of the current Radco car park) are not only outside of the designated Radstock Town Centre and Primary Shopping Area, they are also outside of the Radstock Housing Development Boundary. Policy SV1 of the Placemaking Plan seeks to enable around 2,470 new homes in the Somer Valley during the plan period but is explicit that this growth is to be within the housing development boundaries. The policy makes an exception for residential development on previously development land outside of the housing development boundary (where adjoining and closely related to it) but only if the requirements of Policy ED2B (non-strategic industrial sites) are met. The application site is not an industrial site, it is a retail site, and as such Policy ED2B does not apply; the Policy SV1 exception to resisting residential development outside of the housing development boundary therefore does not apply.

The application, in so far as it relates to the residential units on the substantive part of the current Radco car park, is contrary to Policy SV1 of the Placemaking Plan by virtue of this element of the development being situated outside of the housing development boundary. This issue is dealt with as part of the overall planning balance exercise set out in the conclusion below.

3. Design, Layout and Impact on the Character and Appearance of the Conservation Area

The site is located in the heart of the Radstock Conservation Area. The strategic policy for Radstock Town Centre (CS Policy SV3) seeks to protect and enhance the town centre's heritage assets. The policy is clear that the built form should retain its historical and architectural value and that development should integrate these features. The policy also seeks to secure a high quality of building design, townscape and public realm as well as the protection and enhancement of areas of visual significance, including views to open landscape.

Placemaking Plan policies D1-D5 set out the Council's key urban design policies; these policies collectively seek to secure high quality design which is appropriate to its context. In particular Policy D2 supports development which contributes positively to and does not

harm local character and distinctiveness. Development is expected to positively respond to site context and improve areas of poor design. There is also an expectation that development enhances and responds to natural features including landscape, green infrastructure, skylines and views, and if appropriate respect local architectural characteristics.

Policy HE1 of the Placemaking Plan, alongside Policy CP6 of the Core Strategy, seeks to safeguard the district's heritage assets which in the case of this application would include the Radstock Conservation Area. Development must preserve or enhance those elements which contribute to the special character and appearance of the Conservation Area. Any harm must be justified and weighed against the public benefits of the proposal; great weight must be given to the preservation of the heritage asset in question.

Policy 7 of the Westfield Neighbourhood Plan echoes Policy HE1 in requiring development within the Conservation Area to preserve or enhance those elements which contribute to its special character - specific reference is made to the heritage assets identified in the Radstock Conservation Area Assessment (March 1999).

Layout (full application element - Phase 1)

The proposed development, as stated, takes the form of two key mixed-use buildings focussed on the corner of Wells Road and Somervale Road, with a car park provided to the rear and a significant area of public realm on the corner itself. The proposed layout is welcomed. The two buildings together provide a strong frontage to the two roads and will provide a sense of enclosure which has historically been lacking on this key corner site within the conservation area.

The area of public realm proposed on the inside of the corner will provide an area of pedestrian circulation between the retail units (and other uses) which is set back from, and elevated above, the busy road junction. With appropriate hard and soft landscaping this area has the potential to significantly enhance the conservation area. The proposed layout, by locating the car park to the rear of the buildings, avoids interrupting the aforementioned strong street frontage and ensures that car parking activity is sited in a more discrete, less visually intrusive location; this is to the scheme's benefit, and that of the conservation area.

Policy D3 of the Placemaking Plan encourages the continuity of street frontage and for development to relate positively to the street. It also requires careful consideration to be given to the design of corner plots, which should incorporate two active frontages. Here the proposed layout facilitates the continuity, and indeed creation of an active street frontage to Wells Road and Somervale Road which is of considerable benefit to the scheme. The existing Radco building as stated has very little active frontage to the public realm, current active frontage is limited to the very corner of the building (the in-store café). The majority of the building's street-facing elevations comprise blank walling or glazing entirely obscured by graphics; the proposed development rectifies this harmful arrangement.

Architectural Approach and Scale (full application element - Phase 1)

The design as first submitted followed a bold contemporary architectural approach and included eye-catching features such as bronze cladding to a key corner building and a varied approach to fenestration and glazing. Whilst the Council has had (and continues to have) no objection in principle to a contemporary design approach on this site, the particular design put forward at the outset was considered wholly inappropriate within the Radstock Conservation Area and these concerns were largely shared by Historic England.

The Council and Historic England's concerns in respect of original design were particularly focussed on Building 1 (the building fronting Wells Road); concerns included the overall design approach; the lack of local distinctiveness and the harm to the setting of the conservation area caused by the loss of views to the surrounding hillsides as a result of a building of much greater scale and height (three-storeys). In addition concern was raised, predominantly by Historic England, regarding the relationship of Building 1 with 'The Shambles', an adjacent range of Victorian buildings on the Wells Road.

Following a period of further discussion and negotiation a final design has been tabled and the application formally amended. The revised design seeks to follow a more vernacular approach more in-keeping with adjacent Building 2 - which is more conventional in appearance, and more in keeping generally with the conservation area.

The flat and uninterrupted roof line of Building 1's eastern elevation is now replaced by a series of conventional gables not dissimilar to the Victorian rank of shops located opposite the site on Wells Road. Elsewhere the bronze-clad box-like corner to the building has been replaced by a series of traditional gables and a parapet. Building 2 is largely unaltered from the original submission; this building takes the form of a linear gabled three-storey building with shop fronts to both Somervale Road and the car park to the rear. The building is considered to strike an appropriate balance between respecting the local Radstock vernacular but without being pastiche.

The final iteration of the scheme also makes a number of revisions to the elevation of Building 1 facing The Shambles. This elevation, in the originally submitted scheme, was blank (with the exception of two narrow windows), did not address the street and was faced in brick. This elevation is now to be faced in natural lias stone and incorporates additional fenestration; crucially a pedestrian entrance to the apartments has now been added raising the status of this particular elevation.

In respect of external materials, the two buildings are to be faced largely in natural rubble stone (white lias) to follow the traditions of the Radstock conservation area with elements of Ashlar in key locations (typically at street level) this replaces the inappropriate timbers screens which formed part of the original submission. The buildings are also to be faced in buff coloured render in less critical locations (e.g. at upper storey level facing the car park and Somervale Road). Natural slate is the proposed roofing material although some south-facing roof slopes will have extensive coverage of solar photovoltaic panels. The buff brick work, which was considered alien within the Radstock conservation area and thus particularly objectionable, has now been deleted from the proposal and largely replaced by render and natural stone.

Layout and Design Matters in respect of Outline Element (Phase 2)

The application, in addition to the mixed-use element of the scheme, seeks outline planning permission for 26 dwellings to the rear. The design of these 26 dwellings and the layout of this small estate are reserved for approval at a later stage; these matters do not form part of this application. Be that as it may, given that the number of dwellings is specified in the application, the Council must be reasonably satisfied that this part of the site can satisfactorily accommodate 26 dwellings in a policy compliant manner (or risk granting outline consent for something which proves difficult to approve at a later date). An illustrative layout has been provided to aid this assessment.

The illustrative layout is broadly acceptable. The layout is unusual in that it comprises a long linear form of development rather than a more conventional nucleated cul-de-sac but this is inevitable given the linear nature of the car park that it replaces. Linear forms of residential development, following the local topography, are not uncommon in Radstock and as such the general design approach here is supported. The Council's highway team has confirmed that the outline proposals show that an adequate level of car parking here should be achievable and that this can be dealt with at the reserved matters stage. The density of the scheme is appropriate to its location and the illustrative layout shows appropriate levels of private and public space.

Concerns have been raised by the Council's Arboricultural Officer that the peripheral trees will overshadow a number of the dwellings shown on the illustrative layout and that as a result there may be pressure to undertake works to the trees in the future. Whilst these concerns are noted it is considered that the applicant has amended the layout as far as is reasonable given that this layout will not be fixed by this permission in any case. The applicant has deleted one plot (26 dwellings are now proposed from 27) in order to overcome potentially harmful living conditions identified by the Arboricultural Officer and it is recognised that the reserved matters submission will need to deal with this issue in greater detail. It should also be noted that a certain degree of overshadowing from trees will not necessarily be unacceptable as this does not necessarily lead to unacceptable living conditions; this is best assessed at the reserved matters stage when the Council is presented with a final layout plan.

The scale of the outline element of the proposal is not a reserved matter and as such, unlike appearance and layout, this must be assessed now. The 26 dwellings proposed comprise relatively conventional two-storey houses. Development of this scale is considered entirely appropriate to its context; surrounding residential development is of a similar scale.

Ultimately, the illustrative details provide sufficient confidence for the Council to be able to conclude that 26 dwellings can be delivered on Phase 2 in an acceptable and policy compliant manner; on this basis there are no reasonable grounds to withhold outline permission.

Conclusions in Respect of Design and Impact on the Conservation Area

The revised scheme has received mixed reviews. The Council's conservation team continues to have grave concerns regarding the impact of the proposal on the character and appearance of the conservation area. It is opined that the revised scheme is an insipid interpretation of the local townscape which lacks the vigour and quality of the historic buildings in the conservation area. The Council's urban designer however has

stated that the revised scheme now draws upon the character of its opposing terrace more successfully, removing anomalous forms criticised in the initial proposal. He goes on to state that the southern and northern frontage now retains a more rectilinear form which is considered an appropriate approach to this gateway into the town centre.

Particular concern continues to be raised by the conservation team in respect of the building's height and the resultant loss of views of the surrounding landscape which are considered intrinsic to the character of the town (and Conservation Area); this concern is shared by the Council's Landscape Officer. As mentioned, Policy D2 draws particular attention to the need for development to respond positively to natural features including the landscape, the skyline and views, as does Policy SV3.

The resultant loss of views to the surrounding hillsides is identified by the conservation team as something that will cause considerable harm to the conservation area. It is recognised by the Council's urban designer however that the set-back positioning of the buildings on the corner of Somervale and Wells Road will in fact open-up improved views to the north (whilst recognising that the loss of views to the south may be considered harmful). Historic England recognise that the revised proposals will still cause a degree of harm to the character and appearance of the conservation area by virtue of the aforementioned blocking of views across the site to the rural hillsides beyond. However they further recognise that that harm has been minimised as far as is possible by improvements to the design.

The urban designer has raised muted concerns regarding the recessed residential frontage to Somervale Road; there is concern that this lacks interest, articulation and the quality of materials for its gateway location. The elevated nature of the development above street level (on its plinth) has also been highlighted but it is recognised that this enables level access within the site.

Paragraph 193 of the NPPF states that irrespective of the level of harm, great weight should be given to a heritage assets' conservation when considering the impact of a development proposal on the significance of that asset. Paragraph 194 goes on to state that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. The requirements of the NPPF are echoed by the Council's development plan policies summarised above.

It is concluded that the harm identified to the Radstock Conservation Area (namely the obstruction of views, from certain vantage points, of the surrounding hillside and landscape) is indeed justified. The existing Radco building is single-storey in height and this low-rise nature is highly incongruous within the conservation area. The Council's Urban Designer highlights that the 1999 Radstock Conservation Area Appraisal describes the existing building as one of the conservation area's most intrusive because of this anomalous scale and plan. The Council would not wish a replacement building to be of a similar low-rise nature as this would be equally anomalous; a taller 3 storey building(s) which better reflect the prevailing heights in the town centre conservation area (and which will inevitably obstruct some views because of this additional height) is therefore justified - as is therefore the consequential harm. Notwithstanding the loss of views, Council's Urban Designer is satisfied that the proposed three-storey heights and has opined that they sufficiently reflect the ambient heights within Radstock town centre and are befitting of this use and the site.

Notwithstanding the conclusion that the harm to the conservation area is justified, planning policy nonetheless requires this harm to be weighed against the public benefits of the scheme. NPPF Paragraph 196 states that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Council's conservation team and Historic England have concluded that the harm to the conservation area outlined above amounts to 'less than substantial harm' in NPPF terms.

The public benefits of the proposed development are clear and substantial. The existing Radco building is of some age and is understood to be beyond economical repair. The existing building has been identified for some time as causing harm to the conservation area. The removal of the building will remove this harm and provide the opportunity to significantly improve the site and its surroundings. Perhaps more significantly the proposal provides the opportunity for Radstock Co-operative Society to remain in Radstock (both in terms of its headquarters and replacement store); the economic and social public benefits that this brings are significant. Additional public benefits include the provision of a number of market dwellings in the centre of Radstock.

The public benefits of this redevelopment scheme are considered to convincingly outweigh the 'less than substantial' harm to the conservation area outlined above. 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. Here, for the reasons explored above, special attention has indeed be paid to the desirability of preserving or enhanced the Radstock Conservation Area and the impact of the scheme in this respect is considered to be acceptable.

Ultimately the design of the scheme, including its architectural approach, materials, layout, scale and the wider impact of these matters on the site's surroundings is considered to be acceptable. The application accords with Policy SV3, CP6 and policies D1-D5 in respect of such matters as well as Policy HE1, and Policy 7 of the Westfield Neighbourhood Plan.

4. Highway Matters

Access Arrangements and Impact on the Network

The current supermarket site is served by two vehicular accesses to Somervale Road; one serves the car park and the other serves as the dedicated goods entrance (although any vehicle can use it). The proposed scheme involves the closure of the goods entrance and revisions to the remaining access such that it can accommodate HGV movements. The Council's Highway Team has raised no objections to these arrangements subject to technical approval. Swept path analysis has been submitted and these demonstrate to the Highway Team's satisfaction that the small service yard to the rear of Building 1 can be adequately accessed by heavy goods vehicles.

The potential level of traffic generated by the proposed development has been assessed and it is concluded that the proposal will in fact generate less trips than the current use of the site, including during peak hours. The Highway Team are therefore satisfied that the

impact of the development on the local highway network will be acceptable and that requiring off-site improvements to the network would not be reasonable. A Construction Management Plan will need to be agreed post-approval however to ensure that highway impacts are minimised during the demolition and construction phases; this can be secured by condition.

Car and Cycle Parking

The proposed redevelopment scheme involves the loss of the vast majority of the existing car park and its replacement with residential development. The current 245 space car park will be replaced by an 84 space car park to the rear of the commercial buildings of which 30 spaces will be dedicated to the residential occupants of the 28 flats above the commercial uses and the remaining 54 spaces will be available for the customers of the commercial/retail units.

The level of car parking proposed to serve the new apartments is considered to be acceptable. 30 parking spaces are considered sufficient to serve 28 apartments given the site's highly sustainable town centre location and their unallocated nature. The unallocated nature of the spaces will ensure that they are occupied on a first come first served basis and thus will be shared by residents. Allocating parking spaces to specific apartments can result in spaces being unused despite demand. The submission demonstrates that sufficient cycle parking is to be provided for the apartments, including visitor cycle parking.

The level of car parking to serve the commercial (i.e. retail and office) element of the scheme is considered acceptable. 54 spaces are considered sufficient on the proviso that they are 'short-stay' in nature; this will ensure that the spaces remain available for customers and are generally not used by members of staff and residents of the apartments. It has been agreed that the short-stay parking will be limited to 90 minutes; this limitation (and others) can be secured by means of a Parking Management Plan which can be secured by condition.

The Highway Team are content that adequate car and cycle parking can be provided within outline Phase 2; this is dealt with in more detail in the design/layout section above. The detail can be scrutinised at the reserved matters stage.

Reduction in Car Parking

The majority of the application site is occupied by a very large surface car park. The existing car park is owned by Radco (it is not a public car park) and provides 245 parking spaces. Its use is restricted to staff, customers and permit holders and an ANPR system enforces a maximum 2 hour stay (a longer stay is permissible for permit holders).

Parking activity at the site has been reviewed. Surveys were undertaken in April this year on both a weekday and Saturday; maximum occupancy was recorded as 122 and 113 respectively. In both instances the car park was no more than approximately half full. Be that as it may however the replacement car park will provide just 54 spaces, this is approximately 70 spaces less than the typical usage at present. These 70 parked cars are likely to be displaced to other locations in Radstock. Whilst this is clearly an undesirable situation, the existing car park is privately owned and its owner cannot

reasonably be expected to continue to provide 'public' car parking facilities in Radstock which go beyond the needs generated by the development itself. Any displaced car parking will need to be absorbed into the wider town centre; it is not considered that this situation can be reasonably resisted by the Council. It should be noted that some off-site car parking is currently provided for staff on an adjoining site and it is proposed that this arrangement will continue. The application complies with Policy STR7 of the Placemaking Plan and as such in highway terms is acceptable.

5. Ecological Issues including Habitat Regulations Assessment (HRA) matters

The application site, as stated, comprises the existing Radco store, ancillary service areas and a substantial surface car park. Much of the application site however also includes extensive undeveloped areas around the site's periphery which have ecological potential. The westernmost third of the site comprises an undeveloped area of woodland/scrub; this area forms part of a wider Site of Nature Conservation Interest (SNCI). The illustrative drawings show that this area will not be developed but retained as a nature conservation area. There is also understood to be a small natural spring within this area.

The application site includes wooded slopes on its southern edge and these too form part of the SNCI. The submitted drawings show these areas largely left as undeveloped vegetation although the illustrative layout plan does show the rear gardens of some dwellings projecting into the SNCI here. There is a further substantial wooded area to the immediate north of the existing car park which includes the Wellow Brook; this area however is outside of the red line of the planning application site.

Placemaking Plan Policy NE3 states that development that would adversely affect protected species and/or their habitats will not be permitted, and nor will development that would adversely affect internationally important sites (except in exceptional circumstances). In respect of SNCIs (such as that within and adjoining the application site), adverse development will not be permitted unless material considerations which are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site are present. Policy NE4 states that development will be permitted where ecosystem services are protected and enhanced. It is also relevant that Placemaking Plan Policy NE5 is clear that development is expected to demonstrate what contribution will be made to ecological networks through for example habitat creation; protection, enhancement, restoration and/or management.

An ecological assessment (Tyler Grange, August 2019) has been submitted as part of the planning application. This assessment identifies that the application site and its surroundings have the potential to support a range of protected species including bats, breeding birds, badgers, common reptiles, otters and water vole. Surveys have been undertaken and the results presented in the ecological assessment report. No bat roosts have been identified within the survey area although bat activity has been recorded (this was generally low however). Common bird species were recorded but extensive nesting habitat is available locally and the site is not considered to be of particular ornithological interest. No evidence of badger was recorded however a low population of slow worm was identified in the eastern section of the site; the majority of the habitat suitable for slow worm will not be affected by the development proposals.

The proposed layout (both in respect of the full element and the illustrative outline element) indicates that the development/built-form will be almost entirely limited to the current developed areas i.e. existing buildings and car parks. The submitted ecological assessment confirms that the development proposals include the retention and protection of the majority of habitats that make-up the SNCI. The assessment highlights that a Landscape and Ecological Management Plan (LEMP) will ensure that created and retained habitats are properly managed; the 'heads of terms' for such a LEMP are included within the assessment. A sensitive lighting scheme, to ensure appropriate levels of light along the Wellow Brook, is also recommended.

The Council's ecologist welcomes the conclusions of the submitted ecological assessment as well as its recommended mitigation; the heads of terms of the LEMP have also been endorsed by the Council's ecologist. The full and final LEMP can be secured post-approval by means of the S.106 Agreement. There is the potential for ecologically harmful impacts to arise during the demolition and construction phase and accordingly the Council's ecologist recommends the agreement and submission of an ecological Construction Environmental Management Plan (CEMP); this can also be secured post-approval by means of a planning condition.

Habitat Regulations Assessment (HRA)

The Wellow Brook which runs outside of, but just to the north of, the application site has been identified as a commuting route for bats (including horseshoe bats). These bats are likely to be associated with the nearby designated 'Bath & Bradford on Avon Bat Special Area of Conservation' (SAC) as well as the Mendip Woodlands SAC and Mells Valley SAC.

Where SACs (and SPAs) are concerned the Council is duty-bound by the Conservation of Habitats and Species Regulations 2017 (the 'Habitat Regulations') to undertake an assessment of the likely effect of a project (in this case a planning application proposal) on the SAC and its qualifying features as part of the decision-making process. The responsibility for undertaking this assessment rests with the Council in its capacity as 'competent authority' not with the developer or applicant.

The assessment process has various stages which are collectively referred to as a Habitat Regulations Assessment (HRA). The two main stages to this process are:

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

The applicant has submitted a 'shadow' HRA Screening Report as part of the submitted ecological appraisal. The council's ecologist has reviewed this assessment as well as the development as a whole and has concluded that direct impacts on the SAC can be ruled out. Impacts on the Wellow Brook however, and the wooded corridor alongside it, cannot be ruled out; potential harmful impacts include construction activity and the disturbance

caused by various increases in human activity as a result of the site being redeveloped. The ecological assessment sets out various proposals to mitigate potentially harmful activity including, as mentioned above, long-term management arrangements for the woodland and habitats, and the shorter-term management of construction activities. In addition a lighting strategy has been submitted by the applicant which demonstrates to the Council ecologist's satisfaction that harm to bats resulting from light spill can be ruled out. Ultimately, it is concluded that any harmful impacts of the development on the SAC can be eliminated subject to this mitigation being secured.

Subject to mitigation secured by condition/S.106 Agreement the application accords with Policy CP6 of the Core Strategy in so far as it relates to ecological matters as well as Policy NE3, NE4 and NEof the Placemaking Plan in so far as it relates to nature conservation.

6. Residential Amenity

Policy D6 of the Placemaking Plan states that development must provide for appropriate levels of amenity; in particular existing and proposed development must achieve appropriate levels of privacy, outlook and natural light. The policy goes on to state, amongst other things, that development must not cause significant harm to the amenity of existing or proposed occupants by reason of loss of light, noise, smell, overlooking, traffic or other disturbance.

There are a number of residential properties situated on the Wells Road which back-on to the application site. Whilst these properties share a boundary with the application site, the dwellings themselves are a considerable distances from the position of the proposed houses shown on the illustrative layout. In addition the properties in question are significantly elevated above the level of the application site due to the rising topography. It is considered that given the distances involved together with the difference in levels the proposed development will have an acceptable impact on the amenity of the properties on the Wells Road and vice versa.

To the immediate south of the existing Radco building is a collection of buildings known as 'The Shambles'. In 2018 permission was granted (Ref: 17/04186/FUL) to demolish the majority of the buildings (with the retention of some facades) and erect a mix of houses and flats totaling 10 units, as well as a commercial unit, here. The southern elevation of the proposed development (Building 1) will face the new building at the Shambles and there are to be a number of ground and first floor windows in this elevation; given its acute angle and distances however it is considered that the impact on the amenity of occupants (of both The Shambles and the proposed development) will be acceptable.

A noise impact assessment has been submitted with the planning application which unsurprisingly identifies that traffic will be the main source of noise. The assessment recognises that the building facades facing the public highway will have high levels of noise exposure with other facades mainly being subject to medium noise exposure. The Council's Environmental Protection team has requested further assessment but this is not considered to be reasonable. The submitted assessment concludes that traffic noises can be satisfactorily mitigated by various means including certain glazing and/or ventilation; planning conditions can ensure that such measures are subsequently implemented.

Subject to the imposition and subsequent adherence to such conditions the application complies with Policy D6 in respect of noise disturbance.

7. Technical Requirements

Policy H7 (Housing Accessibility) requires 20% of market housing on a development such as this to have enhanced accessibility standards. All of the proposed dwellings constitute market housing so in practice this means that 11 of the proposed residential units must be of an enhanced standard of accessibility and will be required to meet technical standard 4(2) of Part M of the Building Regulations. The development is to be phased and each phase may be delivered separately. As such it is considered that these 11 accessible dwellings be split proportionately between the two phases i.e. 5no. on Phase 1 and 6no. on Phase 2; a suitably worded planning condition(s) can ensure that this is delivered (see below).

Policy CR2 (Sustainable Construction) requires an overall 19% reduction in regulated CO2 emissions from the development. 10% of this reduction must be from renewable energy sources (as required by Policy SCR1 - see below) and the remaining 9% may be from other means (such as better insulation for example). The applicant has submitted a Sustainable Construction Checklist; this selects one of the apartments as a representative dwelling for assessment; it is stated that in respect of Policy CR2 a 19% reduction will be achieved; this is accepted. The use of one of the apartments as a representative dwelling is considered reasonable in respect of the apartments in Phase 1, but it is clearly not representative of the houses proposed in Phase 2. This is of no concern at this stage however as the details of the dwellings in Phase 2 are yet to be finalised and a suitably worded condition can ensure that the reserved matters scheme fully complies with the requirements of Policy CR2 (and demonstrates how this is achieved).

Policy SCR1 (On-site Renewable Energy Requirement) requires development to demonstrate a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. This 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions. The submitted Sustainable Construction Checklist again selects one of the apartments as a representative dwelling for assessment. It is stated that in respect of Policy SCR1 there will be a 14.7% reduction in carbon emissions resulting from the use of renewable energy. This is accepted, the solar panels are noted on the elevational drawings in respect of Phase 1 and this can be secured by condition. Again the apartment in question is clearly not representative of the houses proposed in Phase 2 but this is not of concern as a suitably worded condition can ensure that Phase 2 is Policy SCR1 compliant and that the reserved matters submission demonstrates this to be the case.

Policy STR5 (Water Efficiency) requires all dwellings to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. Furthermore rainwater harvesting or another means of capturing rainwater is required if it is technically feasible. This matter does not go to the heart of the development's nature nor design and as such compliance can be ensured by means of a compliance condition.

8. Affordable Housing and other Planning Obligations

The application site is located in a part of the district identified (by CS Policy CP9) as requiring 30% affordable housing as part of any residential development (above certain thresholds). The application includes a total of 54 dwellings; this equates to a total affordable housing requirement of 16 affordable dwellings. The application however proposes zero affordable housing provision and seeks to justify this on financial viability grounds.

CS Policy CP9 states that the viability of schemes should be taken into account [when considering affordable housing obligations]. The NPPF (at Para. 57) states that, "it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force".

A viability appraisal has been submitted by the applicant and this seeks to demonstrate that with an affordable housing contribution the scheme is unviable. The appraisal states that were 30% affordable housing to be provided, a negative residual land value of £5.39M would be generated. Indeed the submitted appraisal goes on to conclude that the even with a nil affordable housing contribution a negative land value would be generated and as a result the scheme financially unviable.

Independent viability experts have been appointed by the Council to scrutinise the development's viability. The conclusions of the Council's third-party experts are in accordance with those of the applicant. It is concluded that it is simply not financially viable for this development to make an affordable housing contribution either on site or by means of a financial contribution towards provision elsewhere. The Council however is not bound to accept zero affordable housing on this development simply because it has been shown to be unviable. As set out above (NPPF Para. 57) it is ultimately for the Council to determine how much weight to give the viability assessment; in this case however it is considered that it should be given significant weight. The development includes a significant quantum of retail and other commercial floor space; this carries a lower value than residential development. The mixed-use development that is proposed on this town centre site (Phase 1) is strongly supported by planning policy and it is something that the Council wishes to see delivered. It is almost inevitable therefore that a policy compliant mixed-use scheme here will have viability challenges; in this case the challenges are so great that affordable housing is undeliverable and this accepted.

Phasing

It is essential that Phase 1 of the development (i.e. that part of the development for which full planning permission is granted) comes forward first. It simply being referred to as Phase 1 in the submission is not sufficient; this phasing will need to be secured by means of a S.106 Agreement. The nature of the development is such that it is possible for Phase 2 to be disposed of, and developed entirely independently of the redevelopment of the supermarket. This is not objectionable in principle but it will need to be phased to ensure that the redevelopment of the supermarket and mixed-use area occurs first. Were Phase 2 to come forward first this would generate a number of unacceptable planning issues including leaving Radco without an operational car park; this must be avoided.

Landscape Environmental Management Plan and Management of Other Communal Areas

The need for Landscape Environmental Management Plan (LEMP) is explained in some detail in the ecology section above. The S.106 Agreement will need to secure the submission of this LEMP for the Council's approval, together with its subsequent implementation. In addition, the management arrangements for the other communal areas such as the main area of public realm in Phase 1 and the 'garden' within Phase 2 will also need to be submitted and approved by the Council; this will also need to be secured by means of the S.106 Agreement.

Targeted Recruitment and Training (in Construction)

It is Council policy as amplified in the 'Planning Obligations' supplementary planning document (SPD) that a site specific targeted recruitment and training in construction obligation be secured in relation to residential developments exceeding 10 houses and/or commercial development exceeding 1000sqm. The ultimate aim is that at least 5% of the construction workforce comprises New Entrant Trainees. It is recommended that the fine detail of this obligation be negotiated post-committee.

Public Open Space Provision

Policy LCR6 of the Placemaking Plan requires, where development generates a need for additional recreational open space and facilities, the provision of such facilities on site as part of that development (unless that need is already met on site or by existing provision). The policy requires such provision to be in accordance with the standards set out in the Council's Green Space Strategy and Planning Obligations SPD. Alternatively, if not provided on site, Policy LCR6 enables development to instead contribute to the provision of sports and recreational space elsewhere. Furthermore Policy D6 (amenity) states, amongst other things, that development should provide adequate and useable private or communal amenity space (including bin and recycling storage).

A small area of Public Open Space in the form of a courtyard is shown on the illustrative layout plan in connection with Phase 2; this will go a limited way in meeting the open space needs generated by the development. Given the nature of the site (town centre redevelopment) the scope for further on-site provision is limited; as mentioned public access to the overgrown westernmost part of the site is likely to be problematic for ecological reasons. A financial contribution towards off-site improvements (most likely the improvement of the adjacent Tom Huyton Playground) proportionate to the needs of the development is therefore necessary; the detail of this obligation can be finalised post-committee including phasing arrangements.

. Other Miscellaneous Issues

- o Education: It is recognised that the residential elements of the proposal will generate an educational need, particularly the dwelling houses proposed in Phase 2. The Council's Education Team has been consulted and no objection has been raised; the education impact of the development can be mitigated;

- o Co-Operative House: The site is recorded as containing a Grade II listed building named "Co-operative House"; Historic England acknowledges however that this building is

"clearly no longer extant". The situation will need to be regularised and an application made to Historic England to remove the non-existent building from the list. It is the intention that this matter be progressed by the Council following committee; it is not considered necessary for this issue to be linked to the permission in any way;

o The Environment Agency has no objection to the proposals but this is on the proviso that a number of conditions dealing with land contamination are imposed in the event that permission is granted. These conditions will duplicate the conditions suggested by the Council's Contaminated Land Officer, albeit with a different form of words, and as such their imposition is unnecessary. The Contaminated Land Officer's suggested conditions are instead recommended.

Conclusion and Planning Balance

The redevelopment of the Radco building itself (i.e. Phase 1) and its replacement with a mixed-use scheme (ground floor retail with commercial and residential uses on the upper floors) is supported in principle by planning policy. Core Strategy Policy SV3 supports appropriate mixed-use development, including retail, office and residential development, within Radstock Town Centre. Such an approach is further endorsed by Policy CP12 of the Core Strategy and Policy CR3 of the Placemaking Plan as well as Policy 11 of the WNP which supports new or additional retail floor space here.

The existing Radco building is understood to be in a poor state of repair. The building has long been identified as being harmful to the Radstock Conservation Area due to its anomalous form, scale and overall appearance which is characterised by its low-rise nature and blank brick frontages to the public realm. The redevelopment of this site with an appropriate building(s) is supported.

The design of the scheme that has been tabled has failed to obtain support from a number of key stakeholders including the Council's own conservation team and landscape officer. Many other expert stakeholders however including Historic England and the Council's urban design team have more muted concerns or are content for the Council to reach a balanced view having regard to wider factors. The scheme as first submitted received widespread objections from key heritage/design consultees; Historic England, in response to significant revisions, has largely withdrawn its objections and has acknowledged that its previous concerns have been overcome. Similarly the Council's urban designer's concerns have largely been resolved including the fundamental objection to the use of brick - which has since been replaced by render and stone; there is also no objection to the development's height.

It is concluded that the proposed development will cause 'less than substantial harm' to the Radstock conservation area primarily due to the loss of landscape views caused by the three storey height of the development (Phase 1) as compared to the existing low-rise building. This harm is considered justified as it is necessary for the replacement buildings to reflect the prevailing height of the existing townscape in order to respect the character of the conservation area. Furthermore, the public benefits of the proposal (which will see the demolition and replacement of a unsightly and harmful building in the conservation area and its replacement with modern office and retail facilities, as well as housing) weigh strongly in its favour when balanced against the identified 'less than

substantial harm' to the conservation area that will result. The scheme's overall design and impact on the conservation area is considered to be acceptable.

Phase 2 of the proposed development is situated outside of the Radstock Housing Development Boundary (HDB); in this area outline planning permission is sought for 26 dwellings in a location which is not supported by planning policy. The application is contrary to Core Strategy Policy DW1 and SV1 which broadly speaking seek to ensure that residential development is focussed within the district's existing sustainable settlements.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when making a determination under the Planning Acts (i.e. when assessing a planning application) regard must be had to the development plan; the determination must be made in accordance with the development plan unless material considerations indicate otherwise. It is acknowledged that the application considered as a whole is contrary to the development plan for the reasons described above, but in this case there are considered to be strong and compelling material considerations indicating that a decision contrary to the development plan (i.e. the grant of permission) ought to be taken; these are set out as follows:

That part of the application site situated outside of the HDB (i.e. the main Radco car park) will be surplus to requirements should Phase 1 (the supermarket redevelopment) go ahead. As set out in detail above, the existing car park is not required to meet the parking needs of the proposed development; sufficient car parking will be available in Phase 1 to meet the parking requirements of the proposed retail, office and residential uses. The Phase 2 redevelopment of the main car park will therefore make use of an otherwise obsolete parcel of previously developed land situated in a highly sustainable and accessible location adjacent to Radstock town centre, and will do so in a manner which provides much need housing.

National planning policy (NPPF Para. 118) supports the redevelopment of underused land especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively; underused car parks are specifically identified in Paragraph 118 as underused land which could be developed. The car park is already underused in its current condition, as stated above maximum occupancy is in the region of 50 percent and the proposed development (Phase 1) will meet its own parking needs.

It is considered that the public benefits of redeveloping the Radco car park for residential purposes and in doing so making efficient use of an underused area of previously developed land in a highly sustainable edge of town centre location, constitute compelling material considerations justifying a departure from the development plan in this instance.

The proposed development is acceptable and policy compliant in all other respects and accordingly it is recommended that this application be approved subject to conditions/S.106 Agreement.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 subject to the prior completion of a S.106 Agreement to secure:

- o Phasing: The element of the scheme for which full planning permission has been granted (Phase 1) to come forward in advance of the pure residential phase (i.e. the part of the scheme for which outline permission has been granted - i.e. Phase 2); precise triggers to be agreed;
- o LEMP: Submission, approval and subsequent on-going implementation of a Landscape & Ecological Management Plan;
- o POS Management: Submission, approval and subsequent on-going management plan for the public open spaces/communal areas;
- o A Site Specific Targeted Recruitment and Training in Construction obligation:
- o Financial contribution towards off-site public open space (to be phased)

and subject to the following conditions:

CONDITIONS APPLICABLE TO PHASE 1 (FULL PERMISSION)

1 Standard Time Limit (Compliance)

That part of the development for which full permission is hereby granted shall be 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 permissions.

2 CEMP (Pre-Commencement)

No development shall commence in respect of Phase 1, including demolition, ground works, tree removal or vegetation clearance, until a Construction Environmental Management Plan (CEMP: Ecology) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Ecology) shall be in accordance with the mitigation strategy as detailed in Section 4 of the approved Ecological Appraisal (Tyler Grange August 2019) (in so far as it is relevant) and shall include (but not be limited to): a plan showing specifications for and positions of fencing and fenced exclusion zones (within which there shall be no site clearance, vegetation removal, excavation, machinery or vehicle access, storage of materials, waste disposal or other potentially ecologically harmful activities); mitigation method statements and details of precautionary working methods for avoidance of harm to habitats and species during site clearance and construction; proposals for pre-commencement checks of the site and reporting of findings to the LPA Ecologist; and details of an ecological clerk of works who shall be appointed prior to commencement of works and shall provide a professional ecological supervisory role thereafter. The approved CEMP (Ecology) shall be adhered 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 avoid harm to wildlife including protected species and retained habitats and vegetation. This condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases

3 External Lighting (Details Prior to Installation)

No new external lighting shall be installed within Phase 1 without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's 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 upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Local Plan.

4 Parking Management Plan (Pre-Occupation)

Prior to the first occupation of Phase 1, a Parking Management Plan (relating to Phase 1) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Parking Management Plan so approved. The Parking Management Plan shall specify, amongst other things, that car parking in Phase 1 shall be unallocated and shall include details of electric vehicle charging points.

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

5 Construction Management Plan (Pre-Commencement)

No development shall commence on Phase 1 until a Construction / Demolition Management Plan (relating to Phase 1) 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.

6 Travel Plan (Pre-Occupation)

Prior to the first occupation of Phase 1 a Travel Plan (relating to Phase 1) shall be 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 Placemaking Plan

7 Revised Access (Bespoke Trigger)

A phasing plan detailing the timescales for the implementation of the hereby approved access works (formation and closure) shall be submitted to and approved in writing prior to the commencement of development of Phase 1 (i.e. that part of the development for which full permission is hereby granted). The development shall proceed in accordance with the details so approved.

Reason: To ensure that the development is served by a safe access in the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

8 Parking and Turning Areas (Compliance)

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

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

9 Highway Works (Pre-Occupation)

Prior to first occupation of the development hereby approved the highway works shown on drawing number 173290_G_08 Rev B shall be provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

10 Access Surfacing Material (Compliance)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

11 Arb Method Statement (Pre-Commencement)

No development shall commence on Phase 1 until a Detailed Arboricultural Method Statement (relating to Phase 1) with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the

storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

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.

12 Arb Method Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. 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 on completion and prior to the first occupation.

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.

13 Archaeology WSI (Pre-Commencement)

No development shall commence on Phase 1 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 watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered 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

14 Noise Limits (Compliance)

The rating level of noise emitted from [any fixed plant and / or machinery associated with the development] [industrial activities at the use hereby approved] shall not exceed background sound levels (LA90T) by more than 5dB(A). The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises or at another location that is agreed with the Local Planning Authority. The background noise level shall be expressed as an LA90 1 hour and the ambient noise levels shall be expressed as an LAeq 1 hour during the daytime [07:00-23:00] and shall be expressed as an LA90 and LAeq 15 minutes during the night [23:00-07:00]

Reason: In the interests of residential amenity.

15 Deliveries and Dispatch (Compliance)

With the exception of vehicles of 3.5 tonnes (Maximum Gross Weight) or less, no deliveries or despatches shall be made to or from the office and retail uses hereby approved, and no delivery or despatch vehicles shall enter or leave the site in connection with the office and retail uses, before the hours of 7am or after 10pm on Monday to Saturdays (inclusive), or at any time on Sundays, Bank or Public Holidays.

Reason: To protect residents from undue noise and disturbance.

16 CEMP (Pre-Commencement)

No development shall commence on Phase 1 until a site specific Construction Environmental Management Plan (relating to Phase 1) has been submitted to and approved in writing by the local planning authority. 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:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- o All works and ancillary operations shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 1300 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To minimise the impact of the construction and demolition activities on local residents.

17 Investigation & Risk Assessment (Pre-commencement)

No development shall commence on Phase 1 until an investigation and risk assessment (relating to Phase 1) of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

18 Remediation Scheme (Pre-Commencement)

No development shall commence on Phase 1 until a detailed remediation scheme (relating to Phase 1) 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.

19 Verification Report (Pre-Occupation)

Prior to the first occupation of Phase 1 a verification report (that demonstrates the effectiveness of the remediation carried out within Phase 1) shall be 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 sections 11 and 15 of the National Planning Policy Framework

20 Unexpected Contamination (Bespoke Condition)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development within Phase 1 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 sections 11 and 15 of the National Planning Policy Framework.

21 Drainage Strategy (Pre-Commencement)

Prior to the commencement of development on Phase 1 a detailed drainage strategy relating to Phase 1 shall be submitted to and approved in writing by the Local Planning Authority; this shall detail the layout and sizes of all elements of the drainage network and shall also include an electronic copy of the drainage strategy model submitted as a .mdx file. The drainage strategy should be based on the storage and discharge figures as per the December 2018 FRA. The drainage scheme shall not include infiltration of surface water drainage into the ground. The development shall proceed in accordance with the details so approved.

Reason: To ensure the drainage system has been adequately designed and will not cause an undue flood risk for the development or surrounding land.

22 Materials Samples (Prior to Installation)

Samples of the following external materials to be employed in Phase 1 shall be submitted to and approved in writing by the local planning authority prior to their first installation on the development hereby approved:

- o Natural Slate;
- o Render;
- o Douling Ashlar;

The development shall proceed in accordance with the materials samples so approved.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the extent of the permission granted.

23 Sample Panel (Prior to Walls)

No construction of the external walls of Building 1 and Building 2 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.

24 Fire Hydrants (Pre-Construction Work)

Details of fire hydrants serving Phase 1 shall be submitted to and approved in writing by the local planning authority prior to construction works first commencing. The approved fire hydrants shall be installed in accordance with the details so approved as an integral part of the development and shall be fully operational prior to first occupation of the development.

Reason: To ensure that the development is properly served by fire hydrants in the interest of fire safety. The Council's Planning Obligations SPD is clear that a financial contribution should be made to the provision of fire hydrants, or they should be installed as part of the development at the outset.

25 Withdrawal of PD Rights for Change of Use (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 ground floor retail unit in Building 1 shall be used only for purposes defined as Use Class A1 (retail) and for no other purpose (including any purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain the vitality and viability of Radstock town centre.

26 Housing Accessibility (Compliance)

In respect of Phase 1, 5 no. dwellings shall be designed and constructed such that they comply with Part M 4(2) of the Building Regulations.

Reason: To ensure that a proportion of the dwellings hereby approved are accessible in accordance with Policy H7 of the Placemaking Plan.

27 Renewable Energy (Compliance)

The development (Phase 1) shall proceed in accordance with the submitted 'Energy & Sustainability Strategy' (Hydrock, December 2018) and incorporate sufficient renewable energy generation such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 10% (compared to the Building Regulations Part L baseline) and overall reduction of 19%

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 10% by means of sufficient renewable energy generation, in accordance with Policy SCR1 of the Bath & North East Somerset Placemaking Plan.

28 Revised Hard & Soft Landscaping Details (Pre-Occupation)

Notwithstanding the submitted drawings and documentation, no occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the local planning authority showing details of all trees, hedgerows and other planting to be retained, finished ground levels, a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation. The development shall proceed in accordance with the details so approved.

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. There are elements of the submitted planting scheme which require further revision and clarification.

29 Water Efficiency (Compliance)

The approved dwellings in Phase 1 shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

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

30 Sound Attenuation (Pre-Occupation)

On completion of the development (Phase 1 only) but prior to any occupation of the approved development (Phase 1 only), 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. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect future occupants of the development from exposure to noise from road traffic

CONDITIONS APPLICABLE TO PHASE 2 (OUTLINE PERMISSION)

31 Standard Time Limit (Compliance)

That part of the development for which outline planning permission is hereby granted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

32 Reserved Matters Submission and Approval (Pre-Commencement)

In respect of that part of the development for which outline planning permission is hereby granted, approval of the details of the 1. appearance and 2. layout of the site (hereinafter

called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is in-part an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

33 Reserved Matters Submission Standard Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

34 CEMP (Pre-Commencement)

No development shall commence in respect of Phase 2, including demolition, ground works, tree removal or vegetation clearance, until a Construction Environmental Management Plan (CEMP: Ecology) relating to Phase 2 has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Ecology) shall be in accordance with the mitigation strategy as detailed in Section 4 of the approved Ecological Appraisal (Tyler Grange August 2019) (in so far as it is relevant) and shall include (but not be limited to): a plan showing specifications for and positions of fencing and fenced exclusion zones (within which there shall be no site clearance, vegetation removal, excavation, machinery or vehicle access, storage of materials, waste disposal or other potentially ecologically harmful activities); mitigation method statements and details of precautionary working methods for avoidance of harm to habitats and species during site clearance and construction; proposals for pre-commencement checks of the site and reporting of findings to the LPA Ecologist; and details of an ecological clerk of works who shall be appointed prior to commencement of works and shall provide a professional ecological supervisory role thereafter. The approved CEMP (Ecology) shall be adhered 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 avoid harm to wildlife including protected species and retained habitats and vegetation. This condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

35 External Lighting Details with Reserved Matters Submission (Compliance)

The details submitted pursuant to Condition 31 of this permission (i.e. the reserved matters) shall include details of all external lighting of that part of the development together with a Lighting Strategy document applicable to that layout. The lighting shall be installed, maintained and operated thereafter in accordance with the approved details.

Reason: To ensure that the impact of light spill from the development on ecological interests is properly considered alongside the Council's assessment of the reserved matters.

36 Construction Management Plan (Pre-Commencement)

No development shall commence on Phase 2 until a Construction Management Plan (relating to Phase 2) 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.

37 Arb Method Statement with Reserved Matters Submission (Compliance)

The details submitted pursuant to Condition 31 of this permission (i.e. the reserved matters) shall include a detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012. This submitted method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

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.

38 Archaeology WSI (Pre-Commencement)

No development shall commence on Phase 2 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 watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered 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.

39 CEMP (Pre-Commencement)

No development shall commence on Phase 2 until a site specific Construction Environmental Management Plan (relating to Phase 2) has been submitted to and approved in writing by the local planning authority. 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:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- o All works and ancillary operations shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 1300 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To minimise the impact of the construction and demolition activities on local residents.

40 Investigation & Risk Assessment (Pre-Commencement)

No development shall commence on Phase 2 until an investigation and risk assessment (relating to Phase 2) of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

41 Remediation Scheme (Pre-Commencement)

No development shall commence on Phase 2 until a detailed remediation scheme (relating to Phase 2) 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.

42 Validation Report (Pre-Occupation)

Prior to the first occupation of Phase 2 a verification report (that demonstrates the effectiveness of the remediation carried out within Phase 2) shall be 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 sections 11 and 15 of the National Planning Policy Framework.

43 Unexpected Contamination (Bespoke Trigger)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development within Phase 2 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 sections 11 and 15 of the National Planning Policy Framework.

44 Drainage Strategy (Pre-Commencement)

Prior to the commencement of development on Phase 2 a detailed drainage strategy relating to Phase 2 shall be submitted to and approved in writing by the Local Planning Authority; this shall detail the layout and sizes of all elements of the drainage network and shall also include an electronic copy of the drainage strategy model submitted as a .mdx file. The drainage strategy should be based on the storage and discharge figures as per the December 2018 FRA. The development shall proceed in accordance with the details so approved.

Reason: To ensure the drainage system has been adequately designed and will not cause an undue flood risk for the development or surrounding land.

45 Fire Hydrants (Pre-Construction Works)

Details of fire hydrants serving Phase 2 shall be submitted to and approved in writing by the local planning authority prior to construction works first commencing. The approved fire hydrants shall be installed in accordance with the details so approved as an integral part of the development and shall be fully operational prior to first occupation of the development.

Reason: To ensure that the development is properly served by fire hydrants in the interest of fire safety. The Council's Planning Obligations SPD is clear that a financial contribution should be made to the provision of fire hydrants, or they should be installed as part of the development at the outset.

46 Housing Accessibility (Compliance)

In respect of Phase 2, 6 no. dwellings shall be designed and constructed such that they comply with Part M 4(2) of the Building Regulations.

Reason: To ensure than a proportion of the dwellings hereby approved are accessible in accordance with Policy H7 of the Placemaking Plan.

47 Renewable Energy - Details Submitted with Reserved Matters Submission (Compliance)

The development (Phase 2) shall incorporate sufficient renewable energy generation such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 10% (compared to a Building Regulations Part L baseline) unless it can be demonstrated to the local planning authority's satisfaction that meeting this requirement would render the development unviable. Should it be accepted by the local planning authority that meeting the 10% reduction is unviable the maximum percentage that is viable shall instead be achieved. The details submitted pursuant to Condition x of this permission (i.e. the reserved matters) shall demonstrate how the 10% reduction (or agreed lower percentage) will be achieved.

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 10% by means of sufficient renewable energy generation, in accordance with Policy SCR1 of the Bath & North East Somerset Placemaking Plan.

48 Renewable Energy (Pre-Commencement)

The approved renewable energy infrastructure shall be installed and shall be fully operational prior to first occupation of the development hereby approved. Where renewable energy installations will materially affect the external appearance of the development/building, the reserved matters submission shall include drawings of said installations.

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 10% by means of sufficient renewable energy generation, in accordance with Policy SCR1 of the Bath & North East Somerset Placemaking Plan.

49 Sustainable Construction Details with Reserved Matters Submission (Compliance)

The details submitted pursuant to Condition 31 of this permission (i.e. the reserved matters) shall include details setting out how the development will achieve a 19% overall reduction in carbon emissions as compared to the Building Regulations baseline.

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 19% overall in accordance with Policy CR2 of the Bath & North East Somerset Placemaking Plan

50 Water Efficiency (Compliance)

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

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

51 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 The plans/drawings hereby approved are as follows:

- o L(00)001_Site Location Plan_revA
- o L(00)005_Existing Site Plan_revC
- o L(00)006_Existing Site Plan_revB
- o L(00)010_Existing Store
- o L(00)050_Proposed Site Plan_revU

- o L(00)051_Proposed Site Plan_Mixed Use_revU
- o L(00)052_Proposed Site Plan_Residential_revJ
- o L(00)054_Proposed Ground Plan_Mixed Use_revC
- o L(00)060_Site Sections_Elevations_revJ
- o L(00)061_Site Sections_Elevations_revB
- o SK.002_View From Across Roundabout_revD
- o SK.003_View From Across Roundabout_revD
- o SK.004_VIEWS From Fortescue Road_revD
- o SK.005_View Along The Street_revD
- o SK.006_View From The Street_revD
- o SK.012_View From The Shambles_revA
- o SK.013_View North Along Wells Road_revA
- o L(00)100_General Arrangement Ground Floor Plan_revF
- o L(00)101_General Arrangement First Floor Plan_revF
- o L(00)102_General Arrangement Second Floor Plan_revG
- o L(00)110_General Arrangement Elevations_revI
- o L(00)111_General Arrangement Elevations_revI
- o L(00)112_Bay Study_revA
- o L(00)113_Bay Study_revB
- o L(00)200_General Arrangement Ground Floor Plan_revF
- o L(00)201_General Arrangement First Floor Plan_revG
- o L(00)202_General Arrangement Second Floor Plan_revG
- o L(00)210_General Arrangement Elevations_revF
- o L(00)211_General Arrangement Elevations_revF
- o 173290_G_07_Swept Path Analysis
- o 173290_G_06_General Arrangement and Visibility
- o 173290_G_08_B_General Arrangement and Visibility
- o 173290_G_09_B_Swept Path Analysis
- o 173290_G_10_B_Swept Path Analysis
- o 709-3-100-rev06_General Arrangement Mixed Use
- o 709-3-101-rev04_General Arrangement Residential
- o 709-3-200-rev04_Tree Plan
- o 709-3-201-rev06_Planting Plan Mixed Use
- o 709-3-202-rev03_Planting Plan Residential
- o 709-3-500_Tree Pit Details
- o 709-3-501_Planter and Slope Section
- o 709-3-502_SUDs Basin and Steps
- o 709-3-Illustrated Masterplan_rev03
- o D14_354_P3_East_AIA Plan
- o D14_354_P3_West_AIA Plan_revE
- o D14_354_P4_Tree Protection Plan revF

2 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

3 Coal Mining - Low Risk Area (but within coalfield)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

4 Responding to Climate Change (Informative):

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

5 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.

6 Demolition Notice

Please note that notice must be given to the Local Planning Authority under ss.80 and 81 of the Building Act 1984 at least six weeks before demolition work commences.

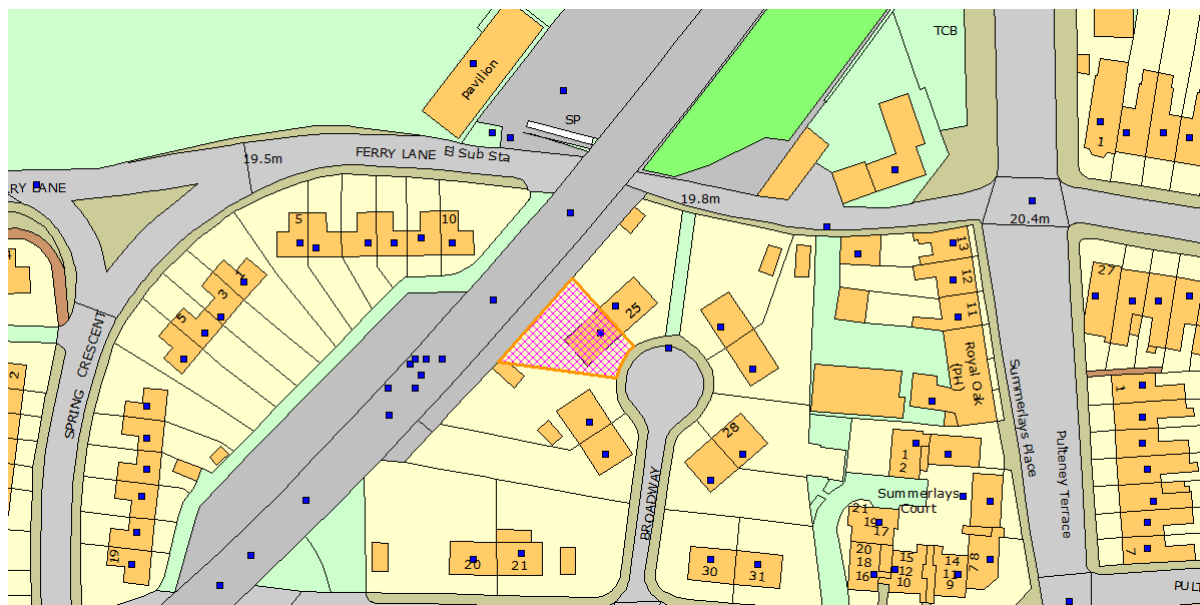
7 S.106 Agreement

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

8 Environmental Permitting Regulations

This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Item No: 05
Application No: 20/02727/FUL
Site Location: 24 Broadway Widcombe Bath Bath And North East Somerset BA2 4JA



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

Ward Members: Councillor Alison Born Councillor Winston Duguid

Application Type: Full Application

Proposal: Change of use from a three bed dwelling house (Use Class C3) to a five bed House in Multiple Occupation (HMO) (Use Class C4).

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Thevathasan

Expiry Date: 22nd October 2020

Case Officer: Hayden Foster

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

REPORT

Reasons for reporting application to committee

The application is being referred to the committee as a local councillor has objected to the application contrary to the case officer recommendation to permit.

The application has been referred to the chair and vice chair of the committee. The vice chair has made the following comments:

'This application I have looked at really carefully & considered the comments from third party & statutory consultees as well as the Ward Cllr planning cmt request.

It has been assessed against the relevant planning policies, but addressing the concerns raised show how close it is to contravening some of the policies, therefore I feel these points should be debated in the public arena & recommend the application be determined by the planning committee.'

The chair has made the following comments:

'I have looked at this application and the concerns raised. This application is close to contravening a number of policies, and the Committee may wish to consider these further.'

Given the comments raised above the application is to be determined by the Development Management Committee.

Site Description and Proposal:

The application relates to a semi-detached house located off Broadway, which is within the residential area of Widcombe. The site is situated within the Bath Conservation Area and the wider World Heritage Site.

The application seeks consent for the change of use of a three bed dwelling house (Use Class C3) to a five bed House in Multiple Occupation (HMO) (Use Class C4).

Relevant Planning History:

None of relevance.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Local Councillor

A local councillor has written into object to the application with the following comments made:

'I am concerned that this planning application represents the loss of a much needed 3 bedroom family home and the development of another HMO in an area where several already exist. I am also concerned that the property is too small for 5 adults to occupy.'

Further comments have been made with the following noted:

'24, Broadway is a modest, relatively affordable three bedrooomed family house that is situated close to the local school and other amenities. Such homes are in short supply in Bath and it will be a great loss if this property is converted to a 5 bedroom HMO.

The area already has a significant number of HMOs (numbers, 3, 25, 29 and 30 Broadway are all registered HMOs as are 6 and 8 Ferry Lane, 7 & 9 Spring Crescent and 27, Pultney

Gardens; just across Pultney Road, numbers 1, 2 ,3, 4, 5 and 9 Pultney Terrace are all registered HMOs. The retirement flats in Summerlays Court are sandwiched between all of these properties, not ideal for anyone hoping for a peaceful retirement.

The high density of HMOs has a detrimental impact on the local community because residents tend to be more transient, they often fail to manage their gardens and refuse responsibly, they re-cycle less and have limited investment in community cohesion which can result in noise nuisance and less consideration of neighbour's needs.

Number 24, Broadway is situated in a small cul-de sac of 10 houses, if this planning application is approved 4 of these will be HMOs which will have a very negative impact on residents in the immediate vicinity.

In order to turn this 3 bedroom house into a 5 bedroom HMO, the sitting room will be divided into 2 downstairs bedrooms, one of which is only slightly more than the minimum space requirement of 6.51m, the smallest of the 3 upstairs bedrooms also barely meets the minimum standard (it was designed to be a child's bedroom). The current kitchen and dining room, which are also close to the minimum standard of 18m², together with a small bathroom and separate toilet will be the only internal communal space for 5 unrelated adults.

This does not provide quality housing at the best of times and is of great concern in the context of the current Coronavirus pandemic. If any one of the occupants of such a crowded property were to become ill, it is very difficult to see how they could self- isolate successfully, particularly as they will be sharing one bathroom and toilet. It is likely that the virus would spread rapidly to all residents which is unacceptable. As the occupants are unrelated and likely to be part of different social groups, they could easily transmit the virus through a number of local communities. This is not a short term problem; Covid is likely to be a threat for many years and existing rules must be scrutinised and changed to reduce the ease of transmission.

The risk could be mitigated to some extent if one of the smaller bedrooms were to become a second bathroom and toilet. The property would then become a 4 bedroom HMO with 2 bathrooms but 2 weeks of self isolation for 4 individuals in such a confined space would be challenging.

Feedback from local residents is that they want the property to remain as a much needed, affordable family home. Creating another HMO in an area where there are already many registered HMOs within a short distance of the property and where the density within the cul-de-sac would be 40% would be a retrograde step. If that cannot be prevented then permission should only be granted for a 4 bedroom HMO with 2 bathrooms which would provide some limited safeguards for the occupants.'

Highways

No objection subject to conditions.

Representations Received:

Seven objections have been received. A summary of the comments made are as follows:

- o The city has far too many HMOs as it is, none of which pay any Council Tax. No 3, 24, 25, 29, 30 Broadway are already HMOs with 5 beds per household.
- o No.24/25 also sandwich private residences to No.29/30 which is forbidden in the BANES Supplemental report.
- o This application if allowed would result in the loss of much needed family accommodation and lead to a dilution of the permanent community in this part of Bath.
- o The house is unsuitable for conversion to an HMO of 5 bedrooms as the proposed floor plans demonstrate.
- o The area already has several student houses. The majority leave rubbish and make the area look untidy. There is no consideration to nearby homes.
- o Only one parking space is seen, will limitation be made to one car to stop yet more pollution and noise.
- o The loss of a relatively affordable family home is detrimental to local people wishing to buy in the area.

A comment has been received from the Bath Preservation Trust with the following comments made:

Bath Preservation Trust

'BPT does not object to the material changes proposed to this suburban property. However, we would like to strongly emphasise that the close, pedestrian proximity of facilities such as Widcombe Infant School and Widcombe Junior School make this an attractive and appropriate property for families. A change of use to a HMO would not serve the local demand for housing in this area and would result in the loss of suitable family accommodation. Approval of this application would maintain an undesirable precedent and should therefore be resisted.'

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

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

Core Strategy:

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

- B4: Impact of development on World Heritage site of Bath or its setting
- CP2: Sustainable Construction
- CP6: Environmental Quality
- CP9: Affordable Housing

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
H3: Residential Use in Existing Buildings
H5: Retention of Existing Housing Stock
HE1: Historic Environment
ST7: Transport requirements for managing development

The following Supplementary Planning Documents are relevant to the determination of this application:

Houses in Multiple Occupation in Bath SPD

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).

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The proposal is to be associated with a semi-detached house, which is within the residential area of Widcombe. The dwelling is located within the Bath Conservation Area and the wider World Heritage Site.

The application seeks consent for the change of use of a three-bed dwelling house (Use Class C3) to a five bed House in Multiple Occupation (HMO) (Use Class C4).

Given the proposed use the assessment criteria outlined within the Bath Houses in Multiple Occupation Supplementary Planning Document (SPD) is of relevance. An assessment of this proposal against this criterion is as follows:

Principle of the Change of Use

Criterion 1 It would result in any residential property (C3 use) being 'sandwiched' between two HMOs;

The proposal is to be associated with a semi-detached house. The surrounding properties around consist of No. 23 which is in residential use (C3 use) however, No. 25 is an HMO. No. 22 Broadway situated adjacent to No. 23 is within residential use. As such it is considered that no sandwiching will occur as a result of the proposed change of use. Therefore, the proposal passes the test for criterion 1.

Criterion 2 Stage 1 Test: 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;

The property sits within a Census Output Area and therefore it is necessary to progress to Stage 2

Stage 2 Test: HMO properties represent more than 10% of households within a 100-metre radius of the application property.

Given the location of the site the criterion 2 stage test two has been conducted. Within a 100-metre radius of the site there are 105 residential properties and 9 properties which are within HMO use.

Guidance within the HMO SPD sets out that dwellings with a central point as defined by the Local Land and Property Gazetteer (LLPG) should be included within the radius calculations. For properties on the edge of the 100-metre radius buffer zone; they will be included only if their central point (as defined by LLPG) is within the buffer zone.

When considering No. 24 as an HMO this would amount to 10 properties being within HMO use and 104 residential properties. This would mean HMOs would represent 9.6% of properties within the immediate area. This is less than the 10% set out within the stage two test of households that account for HMO use.

As such the principle for the proposed change of use is acceptable, unless there are other material considerations. The main considerations now are character and appearance, residential amenity and highways safety.

Character and Appearance

Many of the proposed changes will be carried out internally. It is considered that the proposed change of use of the dwelling to an HMO would not cause harm to the character or appearance of this area. Likewise, the proposed conversion would not result in harm to the Bath World Heritage Site.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking

Plan for Bath and North East Somerset (2017) and part 12 of the National Planning Policy Framework (NPPF).

Conservation Area

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

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 16 of the NPPF.

Residential Amenity

The proposed use would be implemented through the conversion of an existing ground floor living room in order to create two additional bedrooms and a hallway. The internal layout would create enough standard of accommodation for future occupiers of the property. This is due to enough living, dining, kitchen and bathroom facilities being retained. The proposal is therefore considered to provide an acceptable level of residential amenity for future occupiers.

If issues arise from the proposed use residents would be able to report instances of disturbance once the HMO use is implemented. These instances can then be investigated by the Environmental Health Team.

The proposed change of use may result in different patterns of behaviour to a single-family unit. However, there is no evidence to suggest that the proposed HMO would be used materially different to that of a dwelling house, which would result in an increase in harm so significant as to warrant a refusal of this application. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Highways

Without adopted parking standards on HMOs, it is difficult to demonstrate that the change of use will result in an unacceptable increased demand for parking, or a demonstrable harmful impact on local highway conditions. Paragraph 109 of the revised 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 on the road network would be severe.

Given the nature of the proposal the Bath Highways Development Control Team (HDC) has been consulted. Within the response received it is noted that the change of use, and associated increase in the number of bedrooms from three to five, is likely to increase the occupancy of the house by independent individuals (i.e. not a family) and this may raise concerns over increased parking demand in the vicinity of the application site.

However, the site's sustainable location is acknowledged with good access to a range of services, facilities and public transport links, therefore, car usage should be less intense. It is also noted that the applicant proposes to retain the existing driveway which accommodates 1 off-street car parking space. HDC have also advised that at least a minimum of 2 cycle parking spaces should be provided. The car parking and cycle parking can be secured by condition.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

Drainage and Flooding

The application site is situated within a Flood Zone Two, with part of the rear garden falling within a Flood Zone Three. It is noted that the proposal is for the change of use of the dwelling with no proposals aimed at increasing the footprint of the dwelling. Neither will the proposal alter the existing drainage strategy which allows for surface water runoff to discharge into the combined sewer network. Therefore, the proposal accords with policy CP5 and SU1 of the Placemaking Plan for Bath and North East Somerset (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. Several 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 considered in the recommendation made.

Conclusion

According to the data held by the Council, the proposal would not result in a residential property becoming sandwiched between two HMOs. Criterion 1 aims to prevent the potential for negative impacts upon an existing dwelling resulting from the sandwiching effect of an HMO use to both sides of a C3 dwelling. It also aims to ensure that there is a balance of housing types at street level. The SPD recognises that the cumulative impact of HMO's on either side could significantly impact upon the residential amenity of the property as well as character of the area. C3 dwelling houses 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 an 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.

Given the assessment made above the proposed use is compatible with the character and amenity of established adjacent uses which are residential. The HMO use is not considered to cause harm to the amenity of adjoining residents through a loss of privacy, visual and noise intrusion. The HMO use will not create a severe transport impact. It will also not result in the unacceptable loss of accommodation in a locality, in terms of mix, size and type.

The proposal therefore complies with the criterion as set out within policy H2 the Placemaking Plan for Bath and North East Somerset (2017) and the criteria as set out within the Bath HMO SPD. Therefore, it is recommended that the application be permitted.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Bicycle Storage (Pre-occupation)

The use hereby permitted shall not commence until secure covered bicycle storage for at least 2no. bicycles has been submitted and approved by the Planning Authority and has been constructed in accordance with the approved details and shall not thereafter be used other than for the parking of bicycles in connection with the development hereby permitted.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy ST1 & ST7 of the Bath and North East Somerset Placemaking Plan.

4 Parking (Compliance)

The areas allocated for parking at least 1no. vehicles, as indicated on submitted plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1 This decision relates to the Proposed Site Plan, and Floor Plans received 31st 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 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.

6 HMO Advice Note

Please note that you will also require an HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at hmo_licensing@bathnes.gov.uk or telephone 01225 396269.

Item No:	06
Application No:	20/01408/VAR
Site Location:	Building Between The House And Old Orchard The Street Ubley Bristol

The Vice Chair of the planning committee states:

I have looked at this application and note the comments from third party and statutory consultees particularly regarding as to whether the change from 2 to 3 bedroom house, as now proposed, is a variation or full application.

Despite the Officer negotiating changes to reduce the initial variation requested I concur with the Ward Cllr that the proposal is 'far from the previous concept of a relatively small two-bedroom dwelling' & therefore I recommend the application be determined by the planning committee.

Application No: 17/00295/FUL was permitted on the 31st May 2017. The application was for the erection of a new two storey 2 bed dwelling and double garage between properties known as 'The House' and 'The Orchard' located at The Street, Ubley, Bristol.

This application seeks to vary the previous permission. This application seeks to vary condition 2 attached to the 2017 permission which requires compliance with the submitted plans.

This variation seeks permission for a marginally larger dwelling which is now shown to have 3 bedrooms rather than two as previously permitted.

The design of the dwelling has been altered primarily through the altering of the approved asymmetric roof and by extending the length of the dwelling. The width of the dwelling as now proposed remains as permitted and the side walls are in the same location as previously permitted.

The site is accessed via an existing gate from The Street which previously served the stables on the site.

The site is situated in the Mendip Hills AONB, the Ubley Housing Development Boundary and sits adjacent to the Ubley Conservation Area.

Application 17/00295/FUL was permitted subject to conditions in respect of:

- 1 Standard Time Limit (Compliance)
- 2 Plans List (Compliance)
- 3 Materials - Submission of Schedule and Samples (Bespoke Trigger)
- 4 Tree survey and impact assessment (Pre commencement)
- 5 Interests of ecology (Compliance)
- 6 Domestic ancillary use garage (Compliance)
- 7 Arboricultural method statement (Pre commencement)
- 8 Turning area kept clear (Compliance)
- 9 Visibility splays (Compliance)
- 10 Flood Risk and Drainage - Surface Water Discharge Rates (Pre-commencement)
- 11 Removal of Permitted Development Rights - No extensions or alterations (Compliance)
- 12 Obscure Glazing and Non-opening Window(s) (Compliance)
- 13 Building Regulation Document M (Compliance)
- 14 Water Efficiency (Compliance)
- 15 Water Efficiency - Rainwater Harvesting (Pre-occupation)

Under application 17/04203/COND conditions 4, 7 and 10 were discharged. These three conditions were all PRECOMMENCEMENT conditions. In order to retain their 2017 permission the agent has confirmed that works have commenced on site.

HISTORY

12/02436/FUL - PERMIT - 30 October 2012 - Provision of an additional access onto The Street from the property Streamside, replacement of existing collapsed boundary wall with a new stone wall curved inwards across a 6m section between the existing watercourse and electricity pole

13/01999/COND - DISCHG - 10 July 2013 - Discharge of conditions 4, 5 and 8 of application

12/02436/FUL (Provision of an additional access onto The Street from the property Streamside, replacement of existing collapsed boundary wall with a new stone wall curved inwards across a 6m section between the existing watercourse and electricity pole)

17/00295/FUL - PERMIT - 31 May 2017 - Erection of detached dwelling house & detached garage

17/04203/COND - DISCHG - 18 October 2017 - Discharge of conditions 4,7 and 10 of planning application 17/00295/FUL (Erection of detached dwelling house & detached garage)

The following applications relate to the property to the south of this application site which did own the application site at one time.

10/04014/COND- Discharge of condition 1 of application 09/04102/RES (Approval of reserved matters with regard to outline application 08/04694/OUT allowed on appeal 22nd July 2009 for the erection of new dwelling and alterations to existing dwelling)- Discharge of Conditions: 24.11.2010.

10/01925/NMA- Non-Material Amendment to application 09/04102/RES (Approval of reserved matters with regard to outline application 08/04694/OUT allowed on appeal 22nd July 2009 for the erection of new dwelling and alterations to existing dwelling)- Approve: 22.06.2010.

09/04102/RES- Approval of reserved matters with regard to outline application 18/04694/OUT allowed on appeal 22nd July 2009 for the erection of new dwelling and alterations to existing dwelling- Permit: 17.12.2009

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

5 different neighbours have objected to the proposal as originally submitted and as amended one neighbour having submitted 5 number letters.

Main issues raised:

-Application should not be a variation.

-The development is substantially different from the previous design of a relatively small two bedroom dwelling.

-The proposal will impact on the water course in this area, an area that floods.

-A new, contemporary, modest sized dwelling on this site may be acceptable as previously approved.

-The raised roofline (1.9m) will impact on important views as defined in the Chew Valley Neighbourhood Plan (CVNP). In particular Mendip ridge view to the south

- No street elevation provided the adjacent properties sit on higher ground of around 1-1.5 metres.
 - Larger footprint will impact on drainage particularly surface water run-off.
 - Site sits directly adjacent to a natural dell and natural water springs which develop at times of high rainfall arising from proximity to The Mendips, does not support a natural flood management response.
 - Over development of the site.
 - Loss of privacy and over shadowing for neighbours
- The development will harm the amenity of neighbours it will have an overbearing impact
- Proposal is out of scale and out of character with this part of the village.
 - Harm to the setting of the Conservation Area.
 - Inadequate access for two units.
 - Impact on traffic generation and highway safety.

PARISH COUNCIL

Comments in respect of the revised plans:

1. Design

This site is adjacent to the Conservation Area in the village. Whilst it has previously been acknowledged and accepted that Ubley has "an eclectic mix of housing in the village" this is not an acceptance that any design can be sited anywhere. Virtually all the properties along The Street have their ridge roof parallel to the road whereas this one is proposed to be at 90 degrees.

2. Scale and sight lines

The previously permitted property (17/00295/FUL) was already squeezed into a very narrow plot, unlike surrounding properties. To extend this from a 2 bedroom to a 4-bedroom property very significantly further fills the plot. The move to re-draw the proposed property as a 3-bedroom house is essentially cosmetic as it could easily be returned to a 4-bedroom one within that design given there is so little reduction in size.

There is very little space between this proposed property and the boundary and buildings at The House to the west. The scale and siting of the property will impact on the visual and light position of the neighbouring property to the west (The House). This is further exacerbated by the apparent incorrect positioning of the boundary fence.

In the delegated report from the previously permitted application (17/00295/FUL), the Conservation Officer noted that in their view "there is scope for a modest sized dwelling on the site provided a reasonable area of open garden space is left around the building in keeping with this character of this part of the village." It is clear that this variation to the original design does not meet this.

In this previous report the case officer noted the relevance of Policy HDE5a in the Neighbourhood Plan which refers to housing mix. They went on to note that "large detached houses would not be seen to meet the needs of residents as indicated by the housing need survey. The proposal is for a modest dwelling (2 bedrooomed) which is considered to comply with Policy HDE5a."

3. Traffic and highways

The proposed application does not meet the parking requirements of either B&NES or the CVNP (HDE8b) policies, where three and a half spaces are required (excluding the garage). If there was an acceptance that this further revision was now for a three-bedroom house, then there would be a requirement for two and a half spaces (excluding the garage). This is still very tight.

Furthermore, previously the case officer was satisfied that cars could enter and exit in a forward gear. This is imperative in the location as allowing cars to reverse off this plot in

such close proximity to the school is an accident waiting to happen. In this latest revision, diagrams for vehicle tracking have been submitted. It is still difficult to see how all the parked cars could independently manoeuvre to be able to leave in a forward gear.

As just noted, this access is virtually opposite the frontage of Ubley Village School, which is busy and thriving with an increased roll of children. There will be a clear increase in traffic and vehicles entering and leaving this site that would be very close to the parking used by school buses and for an informal disabled space, as well as ordinary teacher and parent parking.

We note that the siting of the garage has been adjusted to fit with the building work already

underway. This does not, now, match the position approved in the previously permitted application (17/00295/FUL).

4. Watercourse and surface water run-off

We acknowledge that recent inspection by B&NES Drainage Engineers has noted that building on the site does not represent an increased flood risk to properties or the road. However, it is also acknowledged that the water table is very high at this point which will make dealing with run-off water a major challenge. We are concerned that, whilst the overall volume of water running off the site will obviously not increase, the speed of run-off may well be significantly quicker. Thus, a detailed description of the revised calculations and proposed methods of alleviation is required.

This point on The Street has flooded quite regularly and excess surface water then runs down to the west towards the school. It is thus imperative that the surface water is dealt with in a way that can be demonstrably shown to work effectively.

5. Views of the neighbours

Members of the Parish Council have discussed this application with immediate neighbours, all of whom have substantial concerns about this proposed development. These concerns include the significant increase in mass, the extra height of the roofline (albeit this is a smaller increase in the revisions), the close proximity to The House to the west and the marked reduction in privacy for Cerisdell to the south. The Parish Council acknowledges these views and is supportive of the objections.

ECOLOGY

The submitted ecological report is well considered and addresses the previous concerns. Appropriate proposals are made regarding avoidance of harm to existing habitat, in particular the stream (which the ecological report confirms provides valuable habitat and good water quality as indicated by the plant and invertebrate species diversity) and associated wildlife - including any possible use of the stream and associated habitats by amphibians (ref reports from local residents of amphibians including newts being present in the vicinity at similar sites / habitat nearby).

Subject to conditions to secure the implementation of the recommendations of the report and a follow-up report to demonstrate this, I have no objection to the proposal.

TREES

Originally concerns were expressed in relation to this proposal however following the submission of further details and discussions the councils arboriculturalist has commented that she has no objection to 20/01408/VAR subject to continual compliance with the previously approved tree protection plan.

HIGHWAYS

Amended plan reference A101 Revision D indicates that the proposed number of bedrooms has been reduced to three, which require the provision of two off-street, car parking spaces to accord with the authority's adopted parking standards. The required number of spaces are provided by the single garage and adjacent car port referred to above.

The swept path analysis indicated on submitted plan reference 1480/002 demonstrates that both the proposed garage and adjacent car port of fully accessible for a large car approaching from both directions, and that there is sufficient space to allow a large car to manoeuvre within application such, such that the driver is able to enter the adopted public highway in a forward gear, which is acceptable.

HDC officers therefore raise no highway objection to the variation of Condition 2 of application 17/00295/FUL, subject to Conditions being attached to any planning permission granted in respect of:

1. Garage / Car Port
2. Turning Area
3. Visibility splays
4. Bound/Compacted Vehicle Access
5. Bicycle Storage

DRAINAGE

While we have no objection to the variation of condition, we believe it would be sensible for the applicant to review finished ground levels and flood resilience around the garage area. In the event of the pond spilling, water may fall towards the garage area and pond here prior to spilling onto the highway. The applicant may therefore want to look at the resilience of the garage and analyse likely depths of water in the garage area in this scenario.

The figures quoted on the topo survey suggest depths in parts of the garage area could be up to around 0.3m. This could clearly impact on the fabric of the garage and any vehicles or equipment or furniture.

The applicant should also be aware that the owner of the property/ land will have 'riparian responsibilities' with regards to all above and below ground watercourse structures within or adjacent to the curtilage of the land. Sensible and regular watercourse and culvert maintenance will be an important aspect of owning this property. The applicant's attention is drawn to a website for advice in this respect.

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)

- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- 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

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

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

RA2: Development in Villages outside the Green Belt

D1: General Urban Design Principles

D2: Local Character and Distinctiveness

D.3: Urban Fabric

D.5: Building Design

D.6: Amenity

ST7: Transport requirements for managing development

H7: Housing Accessibility

SCR1: On-site Renewable Energy Requirement

STR5: Water Efficiency

SU1: Sustainable Drainage Policy

The National Planning Policy Framework (NPPF) was published in 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning

Practice Guidance (NPPG).

Relevant policies from the Chew Valley Neighbourhood Plan (2016).

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 application was submitted as a VARIATION application. Application No: 17/00295/FUL was permitted and was for the 'Erection of detached dwelling house &

detached garage'. The description of development permitted by permission 17/00295/FUL did not specify a 2 bedroomed dwelling.

This application now seeking to vary the approved plans permitted is also for the erection of detached dwelling house & detached garage and therefore, there is no justification for the Local Planning Authority to refuse to register and or consider this application as a variation to the previous consent granted.

The main issues in relation to this proposed development are as follows:

- o The principle of the proposed development.
- o Impact on the character and appearance of the locality and AONB
- o Access parking and turning
- o Impact on amenity
- o Drainage
- o Trees and Ecology
- o Other matters

The principle of a dwelling

The principle of this site being suitable for residential development was established when permission was granted in 2017- application number 17/00295/FUL. This is an infill site, located adjacent to the street and between 'The House' and 'Old Orchard'. The site previously contained a stable building and was formally part of the garden of 'The House' until sold in 2015 to the owners of 'Cerisdell' immediately to the south.

Placemaking Plan POLICY RA2-Development in villages outside the Green Belt not meeting Policy RA1 criteria states:

In villages outside the Green Belt with a housing development boundary defined on the Policies Map and not meeting the criteria of Policy RA1, proposals for some limited residential development will be acceptable where a. they are of a scale, character and appearance appropriate to the village.

Ubley is an 'RA2 village and the proposed development is within the housing development boundary and is considered to be of an appropriate scale for the village. Where development is appropriate in terms of its design and appearance the principle of development would be considered acceptable.

With regard to new residential development the neighbourhood plans Policy HDE5a refers to Housing mix and states that the Neighbourhood Plan will support residential development proposals where the housing mix is in accordance with the most recent Housing Needs Survey across the Individual Parish or whole Plan Area. In this respect the survey indicated that the population of the area is aging, with a majority of residents aged over 55 and almost half of chief income earners having been retired.

Respondents indicated a preference towards smaller homes in the area, such as 'downsizing homes,' 'sheltered housing' and 'flats/1-2-bedroom homes.' Therefore, large detached houses would not be seen to meet the needs of residents as indicated by the Housing need survey. This proposal has been reduced in scale from the scheme as first submitted originally a 4 bedroomed house was proposed but subject to discussions with

the Case Officer the scheme is now for a 3 bedroomed house. In terms of its mass and bulk it is not substantially taller than the approved dwelling. It should be noted that the previous internal layout of the approved dwelling was unusual and within the built form there was an element of under used space in the form of storage space. Therefore, the additional bedroom has been created with modest alterations to the approved scheme.

Whilst the proposal seeks an increase in the number of bedrooms from 2 to 3 the dwelling is not an excessively large property and as such is seen to comply with the Placemaking Plan Policy and not to conflict to an extent that refusal would be justified with the NHP Policy HDE5a.

The property is in a sustainable location having easy access to the facilities and services available in this village. The proposed dwelling as enlarged from the previously approved scheme is still modest in scale and is not therefore considered to conflict with the requirements of this policy.

Impact on the character and appearance of the locality and the AONB

The site is outside of the conservation area but is adjacent to the boundary and therefore, will have a limited impact on the character of the area. Both the village school and the Old Manor on the opposite side of The Street are traditional buildings built from local red sandstone and are within the conservation area.

Ubley is an architecturally diverse village with many traditional sandstone buildings as well as more recent development comprising detached houses set back from the road within generous garden plots. The large gardens generally contribute to the lower part of The Street having a verdant character. The diversity is reflected in the Ubley Village Plan which refers to the village having an eclectic mix of housing whilst noting that the houses are of similar scale with nothing over two stories. Both Old Orchard and The House fit the description of modern houses set back in large gardens.

The gap between the houses had previously been partly closed with a timber building and the 2017 permission allowed a modest sized dwelling on the site retaining a reasonable area of open garden space around the building. This proposal is for a dwelling with a marginally higher ridgeline. The proposed dwelling it now being shown to be approx. 400mm higher than the approved scheme. The original submission indicated a significantly greater rise in height. The amended plans now being considered have reduced this proposed amendment.

The asymmetrical roof form has been replaced by a symmetrical roof pitch. The dwelling having a gable frontage facing the street. The ridgeline has been moved away from the west boundary by approx. 1.5m and is therefore marginally closer to its neighbour on the western side. The two properties are shown to be just over 3m apart this distance being the same as the distance between the front section of the approved scheme and The House to the west. The side walls of the dwelling as now proposed have been kept in line with the approved front section of the approved scheme and therefore the rear section of the dwelling now proposed is closer to The House than the permitted scheme was. The amended roof form and the lengthening of the development has resulted in the dwelling now proposed having an enlarged footprint from that approved. The frontage of the proposed dwelling is the same width as the permitted dwelling on this site, but it does extend further into the site than the approved scheme. The two-storey element of the

proposal is in line with the two-storey element of the adjacent property to the west. The single storey rear section of the proposed dwelling extends a further 3m. The house located to the west has a rear single storey extension which is not shown on the original plans as submitted. This single storey extension has a balcony area on its roof. The proposed single storey element of the house as now proposed will sit next to the neighbour's single storey extension.

Concerns have been raised in respect of the appearance of the dwelling. The building sits perpendicular to the High Street however this coupled with the narrow front elevation of the building enables the site to retain its green appearance and to limit the impact that the dwelling has on the street scene by closing the gap between the buildings on either side. Placemaking Plan Policy D5 supports good, modern design. The proposal incorporates natural stone into the front elevation of the dwelling so that it reflects the appearance of the adjacent traditional dwellings. The roof is shown to be slate with the windows and doors being aluminium. Given the eclectic character of this part of village a contemporary design is considered appropriate and as amended the design and materials proposed, natural stone, render and timber cladding are seen not to harm the local character and distinctiveness of the area. The proposal has been designed to positively respond to the site context and local character in accordance with placemaking policy D2.

The proposed garage sits between the house and the road. This building has been amended and now comprises a single garage with car port. The previous scheme permitted a garage and car port in this location. The garage and car port are modest in scale and designed in keeping with the house and are considered acceptable.

The site is within the AONB and as such policy NE2 of the Council's Local Plan (2007) says that development will not be permitted where it is seen to adversely affect the natural beauty of the landscape. In this instance, given the location of the site within adjacent to the High Street within the village and given the vegetation within the locality a development of this scale is not considered to detract from the natural beauty of the area. Therefore, the design of this development as amended with the use of natural stone is considered to respect the character and appearance of the locality.

The site is not within the Conservation Area but sits adjacent to it. 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 setting of the adjacent conservation area. Here it is considered that the proposed development will preserve the character of the setting of the adjacent Conservation Area.

Access parking and turning

The scheme as amended has 3 bedrooms requiring the provision of two off-street, car parking spaces to accord with the authority's adopted parking standards.

This level of parking is the same as for the approved scheme and therefore, it is considered that as with the previous scheme the parking area should be made and kept available for parking the garage should be for ancillary use and the necessary visibility splays should be provided. In addition, it is considered necessary for a condition requiring a compacted surface at the entrance of the site to be the subject of a condition.

Concerns have been raised in respect of the discrepancy between the authority's adopted Placemaking Plan and the Chew Valley Neighbourhood Plan. The Highway Engineer assesses the highway implications of planning applications against the authority's adopted Placemaking Plan. On this basis, the proposed residential dwelling as originally submitted with 4 bedrooms required the provision of three off-street, car parking spaces. It is noted that the CVNP standard is for 0.5 spaces per dwelling for visitors, however, HDC officers would not be able to sustain an objection on highway grounds to a scheme which provides off-street, car parking in accordance with the adopted Placemaking Plan parking standards.

Plan A103 indicates that the applicant now proposes a single garage with an adjacent car port. The plan shows that the internal dimensions of the garage accord with the minimum requirement of 3-metres by 6-metres and that the dimensions of the adjacent car port are of the required minimum of 2.4-metres by 4.8-metres. The swept path analysis indicated on submitted plan reference 1480/001 demonstrates that a large car is able to enter the application site from the east and access the car port before reversing into the area alongside the 'standard' space in order to enter the adopted public highway in a forward gear.

Impact on amenity

The increase in height of the dwelling by 400mm in relation to the neighbouring property is considered to have a limited increase in impact to the permitted scheme. The roof form will be closer to the adjacent property to the West. However, the two-storey element of the proposed new dwelling will be adjacent to the garage and gable elevation of the adjacent property and there is one first floor window on the eastern elevation of this property overlooking the site. The impact that the marginally larger roof form slightly closer to the elevation is likely to have on the light at present enjoyed by this window is seen to be minimal. The marginal difference in levels between the adjoining sites will also result in the impact of the new dwelling which is marginally set down having less of an impact.

Concerns have been raised by the adjacent neighbour in respect of their rear extension and the impact the proposal will have on their single storey rear extension with balcony area. The two-storey element of the proposed new house lines through with the rear elevation of the two-storey element of the adjacent property. The two-storey element of the new house is set back from the side elevation of the new house by approximately 1.25m resulting in it being set at approximately 4.25m from the neighbour's property. The single storey rear extension to the new house is adjacent to the extension of the neighbour's property. Given the slight difference in levels between the two gardens it is not considered that the new development would have a detrimental impact on the amenity at present enjoyed by the neighbours to an extent that refusal would be warranted.

The western and eastern elevations of the permitted scheme have first floor windows glazed with obscure glass. The roof lights are not shown to be glazed with obscure glass. It is not considered that the roof lights given their position on the roof slope and the first floor windows (conditioned to be retained with obscure glazing) will have a detrimental impact on the privacy at present enjoyed by the neighbours.

Given the topography of the site the ground floor windows proposed on the eastern and western elevation are set down from the neighbouring properties and therefore they are not considered to impact on the amenity of the neighbours.

Given the design, scale, massing and siting of the proposed development the proposal is not considered to cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

DRAINAGE

No objection has been raised but advices and conditions are considered appropriate. The floor level of the garage requires consideration by the applicant and an advice in respect of 'riparian responsibilities' will be necessary.

TREES

Originally concerns were expressed in relation to this proposal however following the submission of further details and discussions the councils arboriculturalist has commented that she has no objection to 20/01408/VAR subject to continual compliance with the previously approved tree protection plan. The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF.

ECOLOGY

The submitted ecological report is well considered and addresses the previous concerns raised by the Council's Ecologist. Appropriate proposals are made regarding avoidance of harm to existing habitat, in particular the stream (which the ecological report confirms provides valuable habitat and good water quality as indicated by the plant and invertebrate species diversity) and associated wildlife - including any possible use of the stream and associated habitats by amphibians (ref. reports from local residents of amphibians including newts being present in the vicinity at similar sites / habitat nearby).

Subject to conditions to secure the implementation of the recommendations of the report and a follow-up report to demonstrate this, the proposals are seen to be acceptable.

Chew Valley Neighbourhood Plan

The proposal conserves the characteristic rural features of the local area in accordance with Policy HDE1 of the Chew Valley Neighbourhood Plan.

The proposal reflects, conserves and enhances the design attribute and characteristics of the settlement in accordance with Policy HDE2 of the Chew Valley Neighbourhood Plan. The proposal is not considered to significantly harm any of the important views identified within the Chew Valley Neighbourhood Plan area in accordance with Policy HDE3 of the Chew Valley Neighbourhood Plan. The proposal, by reason of its height, scale and massing, is not considered to adversely impact on the sensitive skylines identified in the

Chew Valley Neighbourhood Plan in accordance with Policy HDE4 of the Chew Valley Neighbourhood Plan.

The neighbourhood plan requires additional parking to the Placemaking Plan standards. This matter is addressed above. The proposed parking arrangements are not considered to impact on surface water flooding or the existing drainage systems. Therefore, the proposal accords with Policy HDE8a and HDE8b of the Chew Valley Neighbourhood Plan.

The proposed development is of a scale that is not considered to adversely impact on surface water flooding or the existing drainage system and neither is it considered to increase the risk of flooding to existing properties. The proposal therefore accords with Policies HDE9a and HDE9b of the Chew Valley Neighbourhood Plan.

The proposed development does not harm existing ancient hedgerows or woodland in accordance with HDE12a of the Chew Valley Neighbourhood Plan. The proposed development will not harm the Green Corridors identified in the Chew Valley Neighbourhood Plan or the biodiversity within them in accordance with Policy HDE13 of the Chew Valley Neighbourhood Plan. The proposal is not considered to cause risk to or adversely affect water life biodiversity in accordance with Policy HDE14a of the Chew Valley neighbourhood Plan.

The proposed development is of a scale that is not likely to create adverse light spill that would impact on bats or other light sensitive species, and appropriate dark corridors have been incorporated into the scheme in line with Policy HDE15 of the Chew Valley Neighbourhood Plan.

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.

OTHER MATTERS

Concerns have been expressed in relation to the neighbour notification in respect of this proposal. Following the first submission of amended plans neighbours were reconsulted. A final set of amended plans have been submitted and these have further sought to address the concerns raised by interested parties. Where amendments to a scheme are sought to address the concerns raised by interested parties it is not always considered necessary for reconsultation to be carried out.

Concerns in respect of the accuracy of the boundary between the proposed development site and the neighbour in The House have been raised. The Council do not have any information in respect of land ownership. The submitted site plan reflects that of the permitted scheme. The distance between the new and existing dwelling is indicated on the plan and these fixed points indicate the relationship between the two built forms. An informative in respect of civil matters is considered necessary.

Interested parties consider the property as submitted could provide more than 3 bedrooms. The application is considered on the basis of the information submitted.

Concerns have been raised in respect of the chimney which the applicant has been requested to remove. Confirmation of this matter will be addressed in the 'update report'.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Interests of ecology (Compliance)

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

a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the existing building and its roof, and any crevices and concealed spaces, prior to any works affecting these areas active nests shall be protected undisturbed until the young have fledged works to dismantle any areas with concealed spaces or crevices shall be carried out by hand, lifting cladding and roofing materials (not sliding) to remove them, and checking beneath each one.

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)

4 Wildlife Protection and Enhancement Plan (Compliance condition)

The development hereby approved shall be implemented only in full accordance with the approved Wildlife Protection and Enhancement Plan by Engain dated 13th August 2020, with ecological supervision provided for specified activities as detailed; and all wildlife features shall be created / installed accordingly, and maintained and protected thereafter for the purposes of protecting wildlife and providing habitat of value to wildlife.

Reason: to avoid harm to ecology and the ecological value of the watercourse and to provide biodiversity net gain in accordance with NPPF and Local Plan Policy D5e

5 Ecology Follow-up Report (Pre-occupation)

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

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

6 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.

7 Removal of Permitted Development Rights - No extensions or alterations (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because alterations and extensions to the dwelling could potentially have a harmful impact on the visual and residential amenity of the locality.

8 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

9 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

10 Water Efficiency (Compliance)

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

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

11 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.

12 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed first floor windows on the eastern elevation overlooking Old Orchard (east elevation) and high level window on the western elevation shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the residential amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

13 Garage / Car Port (Compliance)

The garage and car port hereby approved as indicated on submitted plan A101 REV E and 1480-001 shall be retained for the garaging and parking of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose

Reason To ensure adequate off street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

14 Turning Area (Compliance)

The area allocated for turning, as indicated on submitted plan references A101 Revision E and 1480/002, shall be kept clear of obstruction and shall not be used other than for the turning of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient turning areas is retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

15 Visibility splays (Compliance)

The access shall retain visibility splays on both its sides, which shall be kept free of obstruction above a height of 900mm at all times.

Reason: In the interests of highway safety.

PLANS LIST:

1 Site location plan dated 17/04/2020
A102 and A101 REV E dated 17/09/2020 and 6/10/2020
A 103 (A2) dated 6/08/2020

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 Responding to Climate Change (Informative):

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

5 Permit/Consent Decision Making Statement

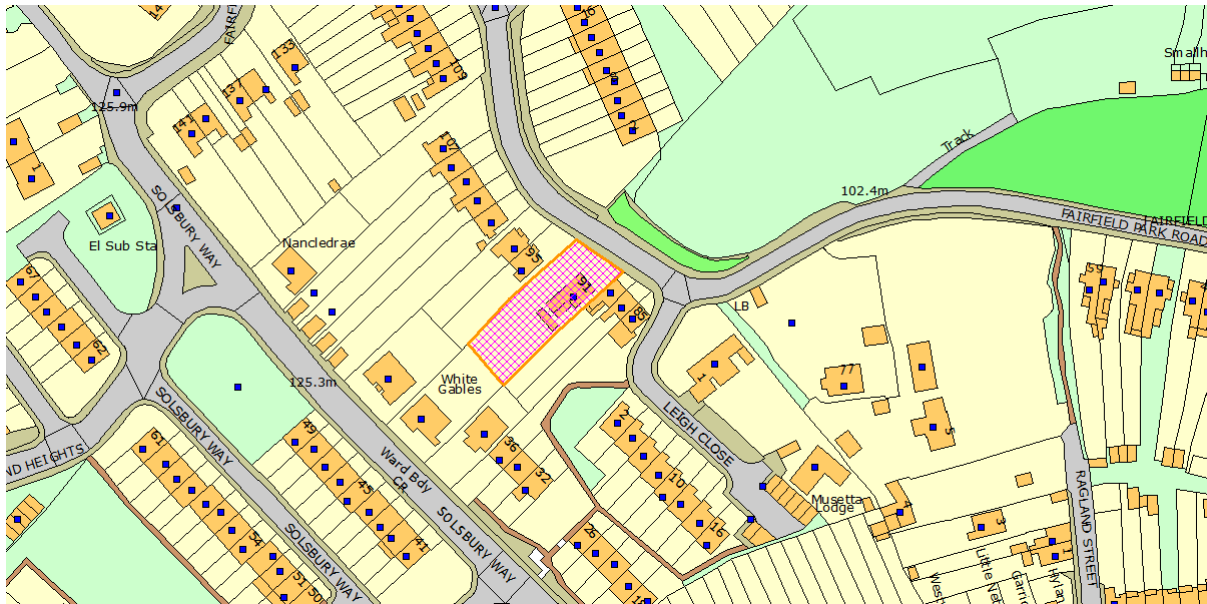
In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

6 The applicant is advised to see the following website for more drainage details: <https://www.gov.uk/guidance/owning-a-watercourse>

7 Civil or legal consents

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

Item No: 07
Application No: 20/02738/FUL
Site Location: 91 Fairfield Park Road Fairfield Park Bath Bath And North East Somerset BA1 6JR



Ward: Lambridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Rob Appleyard Councillor Joanna Wright
Application Type: Full Application
Proposal: Proposed off street parking
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: Mr and Mrs Malcolm
Expiry Date: 23rd October 2020
Case Officer: Danielle Milsom
To view the case click on the link [here](#).

REPORT

Reasons for going to committee:

A pre-application completed in May 2020 concluded that the proposed development, which remains unchanged as part of this application, could be considered broadly acceptable. The assessment was completed during a time when site visits could not take place and advice given was caveated accordingly. However the advice given was contrary to the officer view presented, which is recommending refusal for reasons discussed below. This application was therefore referred to the Chair and Vice Chair of the Planning Committee.

The Chair stated in his decision: "I have looked at this application and the assessment(s) of officers, and the reversal of the decisions. Given that the initial recommendation was

given during the difficulties of lockdown, I think it is only fair to the applicant that they are given the opportunity to test the officer's current recommendation before the committee"

The Vice Chair stated: "I read this application carefully noting the reason for it being a Chair referral & the impact of the proposal would have on the character & appearance of the site.

However, I think this application would benefit from discussion at planning committee who can consider if the provision of off-street parking with a charging point outweighs the harm caused to the character of the area"

This application refers to a detached dwelling located within Fairfield Park, Bath. This site is situated within a primarily residential area. The dwelling is unique within the street, constructed from natural Bath Stone, with neighbouring dwellings consisting of semi-detached and terraced properties. The dwelling is set at a higher level than the ground level of the pavement and road and features an elevated front garden and retaining natural stone wall to the front boundary.

The site is not located within a Conservation Area but is within the Bath World Heritage Site.

Planning permission is sought for two off-street parking spaces with electric charging point.

Relevant Planning History:

None of relevance

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Highways: No Objection subject to conditions.

The submitted plan 561/P/02 Revision A indicates the minimum car parking spaces requirements, and acceptable visibility. The slope gradient is acceptable and a proposed channel drain linked to a soakaway prevents surface water from being discharged onto the adopted public highway

Representation received:

One letter of support received. A summary is as follows:

If there are no other examples of off-street parking, this does not in itself constitute harm to the character of the area. The proposal does not harm the character but rather preserves its appearance.

The character of this part of the street is varied and non-uniform. There is a low wall at 85 with railing above and a low wall at 87. All of the front thresholds with the low wall are punctuated by double width pedestrian openings leading to steps up to the properties.

At each opening and above the low front walls, set back retaining walls are clearly visible from the public realm and these are characteristics of the street.

The application site is the only house on this section of the street with a wall of this height along the front boundary

The proposal will see the retention/reinstatement of at least 50% of the wall across the front of the property boundary.

The wall is not historic.

Most of the wall will be retained with the new retaining wall set back from the road, the proposal will retain a sense of enclosure.

An article 4 does not extend to this part of the city, the nature of the front boundary walls are not a key characteristic of the city.

The proposal as a whole constitutes permitted development, creating the parking space being the key objective. The land removal required to facilitate this is secondary.

No neighbouring objections have been made. If the application was harmful, a neighbour would likely have objected

There are examples of driveways that have been constructed in the surrounding area, for example 121 Fairfield Park Road. Other examples 50 meters or so from the application site have been permitted. Large areas of vegetation were removed to facilitate these developments.

The lack of consistency from pre-application stage and now at the application stage are disappointing.

Whilst the pre-application was undertaken in lock-down, googlemaps would have been sufficient.

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
D.3: Urban fabric
D.5: Building design
D.6: Amenity

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.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues are considered to be:

1. Character and appearance
2. Residential amenity
3. Highways safety and parking

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.

91 Fairfield Park comprises a detached residential dwelling. The dwelling is constructed from natural Bath stone and forms a positive contribution to the street scene. Due to the topography of the site, the dwelling is situated on higher ground than those surrounding, with a large raised front garden. A retaining natural stone wall sits along the front boundary of the site.

The proposed works would allow for two off-street parking spaces. Works carve out the north-west half of the raised front garden which measures 35sqm. Approximately 6.3 meters of the existing retaining stone wall to the front boundary of the site would be removed to allow for the parking spaces. The ground level of the parking spaces would be at the same level as the pavement and road, with a gradient of 1:20. New stone-faced walls would surround the rear and sides of the parking area, with metal railings above.

The site visit has confirmed that the proposed off-street parking spaces will cause significant harm to the character and appearance of the site. The elevated positioning of the dwelling together with its raised front garden and retaining stone front boundary wall makes it a prominent feature of the street scene. The proposed car parking spaces would carve into the front garden, breaking the sense of enclosure created by the retaining stone wall. The retaining wall is of a considerable height, measuring approximately 1.3 meters, which is taller than neighbouring boundary walls. The retaining wall therefore contributes positively to the street scene, and to the Bath stone dwelling behind it. The removal of the wall is therefore considered to cause significant harm to the character and appearance of the site.

No other off-street parking has been created within the neighbouring properties' front gardens. The off-street parking spaces will therefore appear as an incongruous feature within the street scene, having a negative effect on the character and appearance of the site. Whilst it is noted that the dwelling and front garden is unique within its setting, no other neighbouring properties have openings in their raised front gardens which are wide enough to allow for parking spaces. Existing openings only allow for pedestrian access. This causes concern with regards to the precedent this development would set. This would therefore change the characteristic of the street scene, which is not currently characterised by off-street parking. In addition the creation of these spaces would result in a very significant and incongruous retaining wall around given the sites topography. The benefits of the proposed electric car charging point are welcomed however are not considered to outweigh the harm caused to the character and appearance of the site.

The application is therefore recommended for refusal as it would not maintain the character and appearance of the surrounding area. The proposal fails to accord with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Residential Amenity

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

The proposed off-street parking spaces do not show potential to impact residential amenity. The spaces are carved into the front garden of the application site and therefore would not impact neighbouring dwellings in terms of overlooking or overshadowing.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 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.

Submitted plan reference 561/P/02 Revision A indicates the provision of two off-street, car parking spaces the dimensions of which accord with the minimum requirement of 2.4-metres by 4.8-metres. The same plan indicates that visibility of 2-metres by 2-metres can be provided from both spaces onto the adopted public footway to the front of the application site.

Plan reference 561/P/02 Revision A also indicates that the parking area will slope towards the adopted public highway at a gradient of 1:20, which is acceptable, and that the applicant proposes to provide a channel drain linked to a soakaway beneath the parking area to prevent surface water from being discharged onto the adopted public highway.

Highway Development Control (HDC) officers raise no highway objection, subject to Conditions and Advisory being attached to any planning permission granted.

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

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 16 of the NPPF.

Conclusion

It is therefore considered that the creation of two off-street parking spaces would result in significant harm to the character and appearance of the site and street scene. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed off-street parking spaces would significantly harm the character and appearance of the site and surrounding area. The proposal is therefore found to be contrary to policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF

PLANS LIST:

1 This decision relates to the following plans:

Drawing - 30 July 2020 - 561-P-01 - Location Plan and Existing Plans

Drawing - 30 July 2020 - 561-P-02A - Proposed Plans

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 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was

unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

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. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil