

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Planning Committee**

**21 October 2020**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN  
AGENDA**

**ITEM**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01.	20/02854/FUL	43 Elliston Drive, Southdown

The reference to the duty under Section 72 in relation to a conservation area at the end of the policy section and within the conclusion of the report should be removed as the site is not located within the conservation area.

02.	20/01893/LBA	Cleveland Bridge, Bathwick
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The following further comments, in summary, have been received **Pulteney Residents Association** maintaining their objection to the proposals:

- Repositioning of the kerbs is not like for like repair. The reason given in the application for repositioning of the kerbs is a design fault leading to water ingress which is causing decay. The Departure from Standards document sets out a different reason relating to weight limits and to enable an Assessment Live Loading of 40 Tonnes to be achieved. The application therefore relates to traffic considerations.
- It is questioned whether Historic England were properly consulted.
- The true impact of the extension of the kerbs in front of the tollhouses is not shown.
- Neither the application nor the Departure from Standards mentions the question of whether repositioning of the kerbs would impact on their function of preventing vehicles striking the historically valuable but structurally weak parapets. If the repositioning of the kerbs exposes the original parapets to greater risk of destruction this should be addressed in the application.
- None of the technical assessment documents include anything beyond a superficial examination of the structural condition of the original abutments (which are subject to the same loading as the road slab).

**Letter of 21/9/2020** received on 19/10/2020 from Mr P Turner addressed to all Members of the Development Management Committee entitled; Examination of Conscience.

## Response to Councillor Dine Romero 21/10/2020

1. In the departure from standards report (p 30-34) it is stated that the kerb stones are being moved to facilitate an allowable weight to return to 44T, is this over-specification of the repair? In the covering report it does state that the kerb stones are not being moved for this purpose however the background report is still in the public domain and has not been corrected.

### *Planning Officer response;*

The changes to the kerbs are part of the drainage strategy to deal with water ingress and reduce the associated degradation of the bridge. They are also to protect the lodges and pedestrian safety, and this is covered and assessed in the application committee report.

Moving the kerbs allows the waterproofing joint to be improved, it does not strengthen the bridge. The bridge could be refurbished with the kerbs remaining in their current position and on completion of the refurbishment, the weight restriction would be removed. However, this would result in a reduced effectiveness of the waterproofing and the kerb would not be extended to protect the lodges. This would be less beneficial in terms of the listed structure and it is not what is proposed by the application.

The 2017 assessment identified the ongoing deterioration and the deck started to fall below the structural level for the 40 tonnes ALL rating. Various mitigation options were listed, and it was concluded that the deck is adequate for continued use providing the road surfacing was kept in good order. One of the alternative mitigation options listed was to move the kerbs. This option would have made subtle changes to the loading pattern on the deck as vehicles location would have changed, this option was never progressed as maintaining the deck in good order was the preferred mitigation of the applicant.

The 2017 and earlier assessments have been superseded by the WSP more detailed analysis that has identified the extent of the refurbishment works that are required and are included in the current application. WSP Bridge Engineers have confirmed that moving the kerbs allows the waterproofing joint to be improved, it does not strengthen the Bridge.

The reports submitted are provided by the applicant and officers are satisfied that the information provided is sufficient to consider the effects of the proposal in listed building terms which is what is relevant here.

2. Restricting the width in this way will mean that a separate cycle path cannot be achieved across the bridge.

### *Planning Officer response;*

The suitability of the width of road and path is not relevant to the listed building application.

3. The waterproofing measures direct excess water into the toll houses.

*Planning officer response;*

The waterproofing measures do not impact on the special historic and architectural interest of the listed structure in terms of physical alteration, as they are under the modern carriageway. They extend to the end of junction of the bridge structure and the 'normal' carriageway. The bridge abutments in effect house vaults beneath and the condition of these and any work needed will need to be reviewed when the repairs are undertaken. There is a modern concrete blockwork wall within the vaults that separates each of the toll houses from the remainder of the bridge. The applicant has confirmed that they will liaise with the owner of No. 4 where there appears to be a possible damp issue, however, this has no bearing on this decision.

4. There is also a legal point on ownership of a listed building. Is there a duty to impose any or all conditions on a listed structure as part of any consent that preserves or conserves that structure? The point here is can a weight limit be imposed in order that the repair lasts longer than the suggested 15 years currently likely to be the increase life span of the bridge before more repair is required if no weight restriction is imposed?

*Planning Officer response;*

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains a general power to impose conditions and under 16(2) in considering whether to grant listed building consent for any works, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 17 of the same Act lists some particular conditions which can be imposed which are not relevant here. Officers advise that a weight limit condition would not be reasonable to impose given that the bridge has an established use as a traffic bridge and the works are at least partly to facilitate that use. A weight restriction condition would add unreasonable and unnecessary conditions given what has been applied for as works which are of benefit to the listed structure. In addition, such a condition would be unenforceable by the LPA and as a consequence of these factors it would not meet the conditions Tests.

5. There is also concern that this application is being rushed through without these concerns being fully addressed. Would you explain why this application must be taken now?

*Planning Officer response;*

An application for listed building consent may be made by any person, whether or not they are the owner of the building. Section 11 of the Planning (LB & CA) Act 1990 makes provision for requiring the notification of applications for listed building consent to owners of the building concerned so they can make representations to the LPA. This procedure has been correctly carried out in this case, being undertaken ahead of the application being registered on the 5/6/2020. The planning legislation requires

that all applications are determined without delay and in this case the application made is able and should be determined on its merits, on the basis of what the applicant has included in their application.

6. Finally should the statement from Cabinet members for transport be withdrawn?

*Planning Officer response;*

It is a matter for Cllr Wright if she wishes to withdraw her statement

Summary of Response from Bath Preservation Trust received 20/10/2020;

- Generally supportive of the proposed repair works to historic masonry and ironwork. Maintain that further details, such as the proposed painted finish of metalwork, stone cleaning methods, masonry samples, and the proposed mortar and shelter coating would need to be conditioned as part of the application.
- Consider that the extent of the proposed works are, in large, remedial, and deemed a necessary response to structural faults to ensure the continued structural stability of the bridge, within the context of its ongoing use.
- There would be some minor visual change due to the proposed thickening of the concrete trusses by 50mm as part of repairs, and the insertion of fibre reinforced polymer plates may have some limited visibility.
- Existing concrete trusses already provide a distinct visual contrast with the original ironwork; therefore, feel that the slight thickening of the early 20<sup>th</sup> trusses would constitute less than substantial harm to the architectural and historic interest of a listed building, and would be outweighed by the need for structural repairs to a significant load-bearing aspect of the bridge's structure.
- Surprised that there appears to be a lack of sufficient consideration of potential visual impact within the Heritage Statement.
- Retain concerns regarding reasons for certain changes, in particular the movement of the cast iron kerb and are of the view that this would be to *quoting BPT*; ["reduce[s] the eccentricity of the assessment live loading" to allow for an increase in Assessment Live Load from the current 18 tonnes restriction to the original 40 tonnes.]
- Despite the officer's claim that any weight restrictions or traffic routing are "not appropriate for consideration under this application", we would assert that this LBA proposes works in order to reinstate the 40 ton capacity from current 18 ton limit, without due consideration of the

impact this intensive vehicular use would have on the long-term conservation and preservation of a listed building.

- The historic abutment walls remain load-bearing due to their support of the concrete trusses, and continued use by heavier vehicles would continue to place these more historically and architecturally significant areas of the bridge under undue stress.
- The material changes proposed would facilitate the continued use of Cleveland Bridge but:
  - Assert that inadequate justification has been provided for the bridge's proposed use that would be consistent with its material and aesthetic conservation.
  - Increase in weight capacity would in their opinion exacerbate material deterioration.
  - It has not been explained as to why a permanent weight limit would be unfeasible.

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20/01408/VAR

Land between The  
House and Old  
Orchard, The Street,  
Ubley.

To clarify this site is not within the Conservation Area and s72 only applies to sites within Conservation Areas (CA).

The setting of the CA is a material consideration and this proposal due to its mass bulk siting and design is not seen to have a detrimental impact on the setting of the Conservation Area.

A further letter of objection has been received:

Points raised in summary:

- Development too large in the AONB, out of character and is a 5 bedroomed house.
- Contrary to the mission statement, aims and objectives set out in the CVNP.
- The application is not a variation.

These points have been raised in the committee report.

#### SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The list of main issues raised should include

- Inaccurate site boundary
- loss of amenity for neighbours due to flue.
- Noise disturbance particularly during construction

Concerns have been raised in respect of noise disturbance. It is recognised that a three bedroomed house will be likely to have a higher number of occupants than a two bedroomed house but once built it is not considered that the proposed 3 bed house would result in an unacceptable level of noise disturbance to the neighbours

There will be a period of disturbance, particularly from noise, during the construction period for neighbours, however this matter would not justify refusal of this application.

The flue that was shown on the submitted plans and was a concern raised by an interested party has been removed from the proposal.

Additional notes and the removal of the flue have been shown on amended plans submitted.

The approved plan numbers are as follows:

A 101 Rev F and A 102 Rev A both dated 13<sup>th</sup> October 2020.

In the section Impact on the character and appearance of the locality and AONB and Impact on amenity it should read 300mm.

A letter has been received from applicant in support of the scheme:

Main issues raised:

In principle residential is acceptable in this RA2 village outside the greenbelt and conservation area.

This application description is the same as that permitted in 2017.

This variation application seeks to amend the approved plans and as a s73 application goes through a thorough and robust consideration process.

The amendments are relatively small

The garage remains as permitted

The materials are stone render and timber

The roof is raised by 300mm

The property proposed is a 3 bed dwelling

The distances to the boundaries east west remain as permitted

The proposal is neighbourhood plan compliant

Parking access and drainage agreed by Consultees

No objections raised by Council Consultees

The modest proposal has been amended to reflect concerns raised.