

# Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **28th July 2021**

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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02	21/01646/FUL 3 August 2021	Mr And Mrs Dennis And Catherine Taylor 3 Barrow View, Timsbury Road, Farmborough, Bath, Bath And North East Somerset Erection of first floor side extension	Clutton And Farmborough	Isabel Daone	PERMIT
03	21/02166/FUL 5 July 2021	Mr Richard Bennett Upper Flat, 135 Wells Road, Lyncombe, Bath, Bath And North East Somerset Change of Use of an upper 4 bedroom flat (Use Class C3) to 5 bedroom House in Multiple Occupation (HMO) (Use Class C4).	Widcombe And Lyncombe	Ben Burke	PERMIT

04	21/01752/FUL 12 July 2021	<p>Fragrance UK (Bath) Ltd Royal National Hospital For Rheumatic Diseases, Upper Borough Walls, City Centre, Bath, Bath And North East Somerset</p> <p>Change of use from hospital (Use Class C2) to 160 bedroom hotel (Use Class C1) and ancillary functions; external alterations to East Wing roof including removal of lift room and flue, demolition and replacement of roof top plant area and extension to existing pitched roof, demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area, removal of modern external staircase to rear of West Wing, demolition and replacement of third storey extension to West Wing, alterations to the roof of West Wing including new lift shaft and plant screen, bridge link to new three storey rear extension to West Wing, and associated landscaping and public realm works.</p>	Kingsmead	Tessa Hampden	PERMIT
05	21/01753/LBA 7 June 2021	<p>Fragrance UK (Bath) Ltd Royal National Hospital For Rheumatic Diseases, Upper Borough Walls, City Centre, Bath, Bath And North East Somerset</p> <p>Internal and external alterations associated with proposed conversion to hotel (Use Class C1), external alterations to East Wing roof including removal of lift room and flue, demolition and replacement of roof top plant area and extension to existing pitched roof, demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area, removal of modern external staircase to rear of West Wing and replacement infill development, demolition and replacement of third storey extension to West Wing, alterations to the roof of West Wing including new lift shaft and plant screen, and bridge link to new three storey rear extension to West Wing.</p>	Kingsmead	Tessa Hampden	CONSENT

06	21/00435/EREG03 6 May 2021	B&NES Ministry Of Defence Storage And Distribution Centre, Pixash Lane, Keynsham, Bristol, Bath And North East Somerset Redevelopment and consolidation of existing depot site and adjacent land with associated staff parking and access and landscaping works to include the provision of the following: (i) a public re-use and recycling centre (RRC); (ii) material recovery facility (MRF); (iii) waste transfer station (WTS); (iv) Trader (bulky waste); Trade Waste Transfer Station (TWTS); (v) vehicle fleet storage and maintenance; (vi) MOT centre (public); (vii) BANES Parks and Grounds maintenance storage; (viii) BANES Highways winter service and salt store; and ancillary offices.	Keynsham East	Tessa Hampden	PERMIT
07	20/04067/FUL 26 February 2021	Mr & Mrs Jeremy & Sarah Flavell Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath, Bath And North East Somerset Extension and alteration to existing Cottage and creation of two detached dwellings.	Lambridge	Samantha Mason	PERMIT
08	21/01412/FUL 18 May 2021	4Concrete Bristol Ltd Unregistered Unit 1-4, Old Station Yard, Avon Mill Lane, Keynsham, Bath And North East Somerset Erection of 3no. acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6:30am and 5:30pm (Monday-Friday) 8:00am-1:00pm Saturday and 7:30am- 5:30pm (Bank Holidays); permission to allow other specified operations at the site between 7:30am and 6:30pm (Monday-Friday) and 8:00am and 1:00pm (Saturday) and 7:30am-5:30pm (Bank Holidays); and permission to store materials in external yard area (re- submission of planning application 20/02008/FUL).	Keynsham East	Martin Almond	PERMIT
09	20/03392/FUL 3 March 2021	Mr Tom Bravin Barn North Of Village Hall, Langridge Lane, Langridge, Bath, Bath And North East Somerset Convert a redundant farm building into an agriculturally tied dwelling to house a farm worker.	Bathavon North	Sam Grant	REFUSE
10	21/02424/FUL 29 July 2021	Mr and Mrs Paul and Margaret Crossley Orchard Rise, Sham Castle Lane, Bathwick, Bath, Bath And North East Somerset Erection of single storey extension following demolition of garage.	Bathwick	Rebecca Robinson	PERMIT

11	21/02198/FUL 30 July 2021	The Trustees Bath And North East Somerset Liberal Democrats Liberal Democrats, 31 James Street West, City Centre, Bath, Bath And North East Somerset Remodelling of the front garden to include the installation of a new lifting platform. (Resubmission)	Kingsmead	Helen Ellison	PERMIT
12	21/02199/LBA 30 July 2021	The Trustees Bath And North East Somerset Liberal Democrats Liberal Democrats, 31 James Street West, City Centre, Bath, Bath And North East Somerset External alterations for the remodelling of the front garden to include the installation of a new lifting platform.	Kingsmead	Helen Ellison	CONSENT

## **REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 01  
**Application No:** 20/03071/EFUL  
**Site Location:** Dick Lovett (bath) Ltd Wellsway Garage Lower Bristol Road Westmoreland Bath



**Ward:** Westmoreland      **Parish:** N/A      **LB Grade:** N/A

**Ward Members:** Councillor Colin Blackburn Councillor June Player

**Application Type:** Full Application with an EIA attached

**Proposal:** Demolition of existing buildings and mixed-use redevelopment of the site comprising the erection of residential units (Class C3); erection of purpose built managed student accommodation (Sui Generis); flexible commercial floorspace (Class E); associated parking; landscaping; improvements to the public realm; and new vehicular access from Lower Bristol Road.

**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, 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, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Policy ST2 Sustainable Transport Routes,

**Applicant:** Watkin Jones Group

**Expiry Date:** 30th July 2021

**Case Officer:** Chris Griggs-Trevarthen

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

## REPORT

### REASONS FOR REPORTING TO COMMITTEE

The application is subject to a viability assessment in respect of affordable housing and in accordance with the scheme of delegation is being reported to the Planning Committee.

### DESCRIPTION

The application site is situated on the corner of Lower Bristol Road and Windsor Bridge Road in Bath. It is roughly rectangular in shape and is approximately 1.5 hectares in size. The site is currently in use as a commercial car dealership, consisting of several showrooms (BMW and Mini), car garages, workshops, outbuildings and a large area of external car display and storage.

The site is allocated for residential development under policy SB8 (Western Riverside) of the Placemaking Plan and forms part of the wider Enterprise Zone. The also falls within the area covered by the Bath Western Riverside Supplementary Planning Document ("BWR SPD"). It is wholly within the Bath World Heritage Site but is not part of the Bath Conservation area. Approximately one third of the site falls within flood zone 3 (Mini dealership) with the remaining two thirds falling within flood zone 2 (BMW dealership). It is identified as a site of potential concern in respect of contaminated land and falls within the Bath Air Quality Management Area ("AQMA"). It is also identified as a priority area for district heating.

The nearest designated heritage assets are Belvoir Castle (Grade II listed), 1-6 Park Row (Grade II listed), Victoria Buildings (Grade II listed) approximately 100-150m to the east and 17-29 Denmark Road (Grade II listed) approximately 150m to the south and Charlton House (Grade II listed) approximately 200m to the west. The retained façade of Bath Press represents a non-designated heritage asset situated immediately to the south of the application site.

This application seeks permission for the demolition of all existing buildings on the site and a mixed-use re-development comprising the erection of residential units (Class C3); erection of purpose built managed student accommodation (Sui Generis); flexible commercial floorspace (Class E); associated parking; landscaping; improvements to the public realm; and new vehicular access from Lower Bristol Road. This includes the following:

1. 316 Build-to-rent ("BTR") flats comprising:
  - a. 43 studios (14%)
  - b. 153 one-bedroom apartments (48%)
  - c. 109 two-bedroom apartments (35%)
  - d. 11 three-bedroom apartments (3%)
2. 727sqm of commercial floorspace (Class E)
3. 335 bed spaces of Purpose Built Student Accommodation ("PBSA")
  - a. 215 in cluster flats (64%)
  - b. 120 studios (36%)
4. 102 car parking spaces

- a. 0.3 per dwelling
  - b. Zero provision for student accommodation
- 
- 5. 760 cycle parking spaces
    - a. 2 per dwelling
    - b. 0.5 per student bedroom

The application proposes to provide 30% of the BTR flats as affordable housing. This equates to the provision of 95 affordable dwellings. The proposed tenure of these affordable dwellings would be discount market rent provided with the following split of discounts:

48no. units at 60% of the Open Market Rent (50% of the total number of affordable units);  
47no. units at 80% of the Open Market Rent (50% of the total number of affordable units).

## **PLANNING HISTORY**

The site's relevant planning history which is listed below. Most significant is that the eastern third of the site (Mini dealership) forms land which was part of the outline planning permission for the Bath Western Riverside redevelopment (ref. 06/01733/EOUT). More recently a reserved matters application pursuant to that outline planning permission was refused by the Planning Committee for 280 student bedrooms with ground floor retail (ref. 19/05165/ERES) on the land currently occupied by the Mini dealership. This application is now at appeal, but at time of writing it has not been heard.

It should be noted that the deadline to submit further reserved matters under application 06/01733/EOUT expired on 23rd December 2019. Therefore, no further reserved matters can come forward pursuant to the Bath Western Riverside outline planning permission.

### **06/01733/EOUT**

A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping  
PERMITTED 23rd December 2010

### **19/05165/ERES**

Approval of reserved matters (scale, appearance and landscaping) pursuant to outline application 06/01733/EOUT for the erection of 2 no. 5-storey buildings comprising 290 student bedrooms (Sui Generis); retail floorspace (Class A1); bin and cycle stores, plant rooms, and associated landscaping works.  
REFUSED 27th August 2020

### **14/03713/FUL**

Erection of extensions to the existing BMW Motor Dealership showroom, including workshop extension storage and valet/wash facility following demolition of existing buildings currently used for storage and car washing/valeting.

PERMITTED 19th October 2014 (Not implemented, now expired)

06/00274/FUL

Mixed use development comprising car showroom with associated workshops and offices, 7no. residential apartments and separate valet and autowash facility including demolition and relocation of service area

PERMITTED 27th August 2010 (Not implemented, now expired)

05/01575/VAR

Variation of condition to extend temporary use of site for delivery and storage of vehicles, pre-sales preparation, repairs and ancillary office (Planning Permission 02/01938/FUL).

PERMITTED 29th June 2005

04/03143/FUL

Erection of two-storey extension to side/rear of existing showroom and workshop

PERMITTED 17th January 2005

02/01938/FUL

Change of use to temporary use of site for delivery and storage of vehicles, pre-sales preparation, repairs and ancillary office

PERMITTED 21st February 2003

01/01702/FUL

Laying out and surfacing of existing rear car compound, new temporary display area to east, the temporary use of land to the rear for car parking and the erection of a new temporary canopy.

PERMITTED 17th September 2002

## **ENVIRONMENTAL IMPACT ASSESSMENT**

This application has been determined in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

A screening and scoping opinion for this development issued by the Council in July 2020 and concluded that it does represent EIA development. An Environmental Statement describing and assessing the direct and indirect significant effects of the proposed development has been submitted with this application and includes chapters on matters of air quality, built heritage, contaminated land, flood risk and drainage, socio-economics, landscape and views and transport.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

ECOLOGY: No objection, subject to conditions

SUSTAINABILITY ASSESSOR: No objection

CONTAMINATED LAND: No objection, subject to conditions

ENVIRONMENT AGENCY: No objection, subject to conditions

ARBORICULTURE: No objection, subject to conditions

AIR QUALITY: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions

ENVIRONMENTAL PROTECTION: No objection, subject to conditions

EDUCATION: No objection

PARKS AND GREEN SPACES: No objection, subject to off-site Public Open Space Contribution

HOUSING: No objection

URBAN DESIGN: No objection, subject to conditions

LANDSCAPE: No objection, subject to conditions

CONSERVATION: No objection, subject to conditions

Less than substantial harm (slight harm) to the significance, integrity, and authenticity of the World Heritage Site, OUVs and the setting of the Georgian City

The Bath Conservation Area is regarded as relatively too far distant and obscured by development to be adversely affected, certainly in the short and medium distance views.

Victoria Buildings and associated public house, Belvoir Castle and Park View (all Grade II respectively); the remaining front façade of the Bath Press building (an undesignated heritage asset). Clearly the proposed development is of a different magnitude, including building heights, to this existing, modest, artisan historic residential development and the more monumental Bath Press facade, and there would be some harm to this collective historic townscape (less than substantial harm - slight/moderate).

The issue of weighing harm against public benefits is for the case officer, however on balance it could be considered that the regenerative impact of the proposed development, thoughtful, informed and contextual design including the use of good quality and local materials that the harm could be weighed against these positive aspects of the development.

HIGHWAYS: Objection

Without appropriate parking controls in the surrounding residential streets, the shortfall in the number of proposed off-street, car parking spaces will result in an increase in on-street parking activities in the vicinity of the application site, which would affect highway safety and/or residential amenity, contrary to Policy ST7 of the Bath and North east Somerset Placemaking Plan (2017).

## PLANNING POLICY: Scope for revision

Concern that provision of student accommodation may prejudice the delivery of 1,500 dwelling requirement.

The principle of a residential led redevelopment of the site is acceptable subject to the provision of policy compliant levels of affordable housing and CIL contributions.

Concern about the lack of tenure diversity within the proposed scheme and for the potential of the wider locality to be dominated BTR housing.

The applicants do appear to have worked jointly with the promoters of the next phase of Bath Western Riverside and it seems as though their individual schemes are co-ordinated to logically connect into each other to provide improved permeability. This needs to be secured using an appropriate legal agreement to ensure that this is secured. I

The provision of flexible commercial space would help to provide a positive frontage to the Lower Bristol Road, help to create a positive new identity for the local area, and would support an identified need for new business space that is well integrated to Oldfield Park train station, bus and cycle routes.

The Design Codes - Appendix D from the Bath Western Riverside SPD are of significant importance for shaping the design requirements of the emerging scheme. There is a clear requirement that street trees are to be provided along both Windsor Bridge Road and Lower Bristol Road.

## HISTORIC ENGLAND: Comments (May 2021)

Amendments were submitted to B&NES Council regarding this scheme in both March and April of 2021. Of these amendments the alterations to height and roof form are most pertinent in relation to previous Historic England Advice. In their view, these changes do not significantly reduce the potential for the scheme to negatively impact on the Outstanding Universal Values of the World Heritage Site (WHS).

Historic England argue that amendments in the form of more meaningful articulation and variation in block height, and a more astute use of material palettes, would limit harm to the WHS.

They argue that the scheme will cause 'less than substantial harm' to the World Heritage Site.

This harm is caused by the cumulative impact of that proposed when considered together with the existing, permitted and consented schemes in this area. The scale, height and bulk of that proposed contributes to the creation of a visual mass that would detract in longer, sweeping, views towards the Georgian City (Para 196, 200). These views are part of the 'core values' that contribute to the Outstanding Universal Value of the WHS and as such need to be appropriately protected.

While this harm may be considered to be modest given the size of the World Heritage Site and width and breadth of the views in question, BANES Council must assess this in the

context of paragraph 193 of the NPPF. This states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'.

World Heritage Sites are considered to be at the top of the list in terms of important assets and therefore any harm must be appropriately weighted in the decision-making process.

AVON AND SOMERSET POLICE: No objection

AVON FIRE AND RESCUE: No objection, subject to fire hydrant contribution

WALES AND WEST UTILITIES: No objection, informative provided

VIABILITY ASSESSOR: Comments

Although the assessment indicates a small viability gap, when factored against C&W differing opinions on the appropriate capitalisation rate (NIY for PBSA) and Benchmark Land Value, on balance the proposal tabled by the Applicant would appear to represent a reasonable position overall.

DESIGN REVIEW PANEL: Comments (January 2021)

The Panel's view is that the height, scale and massing is acceptable and that the scheme sets an appropriate precedent of maximum parameters at the south-western boundary of the BWR development.

In relation to the World Heritage Site, they recognise the earlier concerns expressed regarding the harm caused within the sweeping views of the site. They welcome the reductions in scale, form and massing in the scheme presented at the review, which they consider creates an acceptable intervention within longer views presented.

Block 1 needs further refinement as without a unifying roofscape it lacks identity. For example, aligning itself more closely with Block 2 or by developing a stronger identity of its own.

The Panel strongly recommends a more rigorous and specific approach to materials and colour across all blocks. This is especially pertinent to Block 1, as part of the exercise to produce a much more coherent composition.

It is also important to note that the articulation of the roofscape, and the specification and colour of proposed materials, are still critically important considerations to achieve the acceptability of the scheme, especially in its contribution to closer streetscape views.

The Panel strongly recommend the intensification of tree planting, primarily along the Lower Bristol Road. This will improve the setting of the buildings within the streetscape and mitigate the buildings' impact when seen in more distant city views, as larger trees species will be at 6m diameter after 15/20 years.

The Panel strongly recommends east-west routes opening-up along the northern boundary.

#### COUNCILLOR JUNE PLAYER: Objection

It is far too bulky-looking, far too high, is positioned far too close to the pavement, is overdevelopment of the site, is lacking in outdoor planted areas, and is using unsuitable materials and, impacting very negatively on the Outstanding Universal Value ("OUV") of Bath's World Heritage Site.

Overall there is definitely the need for more pedestrian space between the edge of the buildings and the road and especially from the pavement area at Windsor Bridge Rd and along the Lower Bristol Rd as it reduces in width and will cause bottlenecks for pedestrians where what looks to be half of the pavement being lost to pull-ins. Increasing this space would allow much better ease of movement for pedestrians, (much needed since Covid-19 situation) as well as improve the public realm.

The development gives the appearance of such a solid mass that it will obscure all the views over the River Avon and onto the hillsides from all directions. It desperately needs sight lines through it South to North to help overcome this aspect and to increase natural light throughout the scheme.

There is the need for more trees, especially along the Lower Bristol Rd side, to make this a far more pleasing prospect for all users of this route, plus also to attract some wildlife and so help contribute to BANES's Ecological objectives.

The height and design and uninterrupted mass of the proposed buildings will give a feeling of oppression to all who pass along here, especially pedestrians.

On the opposite side of the road is the Bath Press development, the high façade of which is of historic importance and must be retained. The cumulative effect of these two facing developments will be to create a canyon/roofless tunnel along this section of the Lower Bristol Rd and trap both noise and pollution, as neither will be able to easily and quickly disperse.

#### BATH PRESERVATION TRUST: Objection

The Trust is unable to support this application due to the proposed scale, height, and massing resulting in overdevelopment of the site, use of inappropriate materials, lack of design coherency, and alien roof profiles and articulation, which would be of cumulative harm to local distinctiveness and to the detriment of Bath's indicative townscape character and appearance, and harm to the Outstanding Universal Values of the views in and across the World Heritage Site.

The development, by virtue of its excessive scale, height, and massing, would constitute overdevelopment of the site. It fails to be a scheme of a high design standard, as is warranted on such an important approach into the City and one which lies within the World

Heritage Site. It would fail to preserve or respond to local distinctiveness or 'Bathness' through the excessive use of inappropriate materials, and the introduction of alien form, height variation, and roof articulation, and would result in cumulative harm to Bath's townscape character, harm to the views in and across the World Heritage site, and would harm the indicative setting of the conservation area. This application is therefore contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF (particularly paras 184, 185, 196, and 200), and Policies B1, B4, BD1, CP6, D1, D2, D3, D4, D5, HE1, and SB8 of the Core Strategy and Placemaking Plan, and should be refused or withdrawn.

**THIRD PARTIES/NEIGHBOURS:** There have been 73 OBJECTION comments from third parties. The main issues raised were:

Many criticised the predominance of flats within the proposed scheme and considered that there was a greater need for family housing in this area. Many also commented to suggest that the greatest need was for affordable and social housing.

Many comments considered that there was no need for student accommodation and that there was an excessive amount of PBSA within the proposals and within the surrounding area. Some felt that the mix between student accommodation and residential development in the area had become unbalanced and that they were losing the sense of community. There was a preference for student accommodation to be located on the university campuses. It was argued that building PBSA will not reduce the number of HMOs in the city due to the lower rents associated with HMOs.

Many comments contended that the proposals were too big, but in terms of height and massing and would appear incongruous as they would be much larger than the surrounding context. Comments pointed to difference between the height, scale and massing of the proposals compared to the landmark buildings in BWR which have a much smaller footprint and allow views around them. Several raised concerns about cumulative impacts of tall buildings along the Lower Bristol Road and there was concern about a creeping precedent of each development proposal.

Many also felt that the proposed buildings were situated too close to the Lower Bristol Road and that this would create a canyon which will adversely impact upon air flow, noise pollution, air pollution, the pedestrian experience and the character of the area. They considered that the building line should be pushed back to create a wider pavement and to compensate for the narrow pavement outside of Bath Press. Several comments referred to how the proposals were counter to the objectives of the Clean Air Zone.

Many also criticised the design of the proposals and felt that the appearance, massing, density, height, materials and landscaping was unacceptable. The proposals are described as prominent and dominating with comments identifying the loss of views and considering the proposals to represent an eyesore. Several comments suggested that the design was not worthy of a World Heritage Site and that the scheme was overdeveloped and not compatible with the area. It was noted that there the proposed architecture lacked interest.

Many comments also identified a lack of green space within the proposals with insufficient tree planting and ecological enhancements.

Several comments suggested that the commercial units were not needed and highlighted the number of empty units within the city centre. Others felt that the commercial units needed to be adaptable to respond to changing circumstances.

Several comments noted that the site was located on one of the main routes into Bath and that it presented a poor entrance into the city.

Many suggested that the proposed levels of parking were insufficient and that the proposals would result in lots of additional parking in surrounding streets which were not subject to residents parking zone. Several considered that students were likely to bring cars to the city and park in surrounding streets. It was noted that the surrounding streets were already heavily congested with non-resident parking.

There was concern about the impact of the proposals upon traffic and congestion along the Lower Bristol Road. The lack of a bus pull in space was identified as a cause for tailbacks and the additional student accommodation was considered likely to exacerbate this problem and generate highways safety issues.

A few comments noted the lack of proper balconies in appropriate places within the scheme. It was felt that balconies facing onto Lower Bristol Road or Windsor Bridge Road would not be used due to the noise and air pollution.

More view corridors N-S through the site were considered necessary.

Concern was raised that the height of the proposed buildings would overshadow buildings planned within Bath Western Riverside to the north and other adjacent neighbourhoods. There was concern that the proposed student accommodation would result in increases in litter, crime and anti-social behaviour.

There was concern that the high number of windows in the proposal would result in additional light pollution in the city.

It was considered that the original decision by the Council to refuse reserved matters permission for two student blocks on part of this site (ref: 19/05165/ERES) was the correct decision.

Several comments considered that the proposals were contrary to various development plan policies, in particular many considered that the student accommodation proposals were contrary to policy B5 of the Core Strategy.

The need for a cycle lane along the Lower Bristol Road was highlighted.

A total of 17 SUPPORT comments have been received. The main points raised were:

Several considered that the provision of student accommodation would be beneficial to the local economy and local businesses. It was felt that the concentration of students on

Lower Bristol Road made sense given that it was on the main bus routes to the universities. I was also considered that students were a source of talent and innovation for the city.

It was considered that the PBSA would allow for HMOs to be released back to family housing and would help students settle into living away from home. The PBSA was considered to provide opportunities for socialising and better mental health amongst students. It was also considered that managed accommodation would ensure better control over matters such as littering.

It was stated that the proposed mixed-use scheme will support meeting housing targets, protecting key employment spaces and maximising the use of sustainable brownfield land. It was highlighted as a regeneration opportunity for the city and that it would enhance the visual appearance of the area and improve the environment whilst supporting local business.

It was noted that this was a substantial investment in the city and the applicant was considered to have a good track record for delivery.

The significant amounts of affordable housing proposed was noted and suggested as being rare for developments within the city.

It was suggested that the public realm improvements and provision of co-working space could be used by the wider community.

It was noted that the existing building on the site is ugly.

It was claimed that Bath needed to become less dependent on tourism.

A few comments suggested that the scale of development was in line with recently completed or consented developments in the region.

## **POLICIES/LEGISLATION**

### **POLICY**

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)

### **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
- SD1 Presumption in favour of Sustainable Development
- B1 Bath Spatial Strategy
- B4 Bath World Heritage Site
- B5 Strategic Policy for Bath's Universities
- CP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP9 Affordable Housing
- CP10 Housing Mix
- CP13 Infrastructure Provision

### **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:

- SB8 Western Riverside
- SCR1 On-site Renewable Energy Requirement
- SCR2 Roof-mounted/Building-integrated Scale Solar PV
- SCR5 Water Efficiency
- SU1 Sustainable Drainage
- BD1 Bath Design Policy
- D1 General Urban Design Principles
- D2 Local Character and Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D6 Amenity
- D8 Lighting
- D9 Advertisements and Outdoor Street Furniture
- HE1 Historic Environment
- NE1 Development and Green Infrastructure
- NE2 Conserving and Enhancing Landscape and Landscape Character
- NE2A Landscape Setting of Settlements
- NE3 Sites, Species and Habitats
- NE6 Trees and Woodland Conservation
- PCS1 Pollution and Nuisance
- PCS2 Noise and Vibration
- PCS3 Air Quality
- PCS5 Contamination
- PCS7A Foul Sewage Infrastructure
- H7 Housing Accessibility
- LCR7B Broadband
- LCR9 Increasing the Provision of Local Food Growing

- ST1 Promoting Sustainable Travel
- ST2 Sustainable Transport Routes
- ST7 Transport Requirements for Managing Development

## **SUPPLEMENTARY PLANNING DOCUMENTS**

- Bath Western Riverside SPD (2008)
- City of Bath World Heritage Site Setting SPD (2013)
- Sustainable Construction Checklist SPD (2018)
- Planning Obligations SPD (2019)

## **ADDITIONAL GUIDANCE**

- Bath City Wide Character Appraisal (2005)
- Strategic Flood Risk Assessment (SFRA) of Bath and North East Somerset (2009)
- Bath Building Heights Strategy (2010)
- Green Infrastructure Strategy (2013)
- West of England Sustainable Drainage Developer Guide (2015)
- Draft Conservation Area Appraisal for the Brassmill, Locksbrook & Western Riverside Character Area (November 2015)
- Bath Air Quality Action Plan (2016)
- The City of Bath World Heritage Site Management Plan 2016 - 2022
- Waterspace Design Guidance (2018)
- Parking Strategy for B&NES (2018)

## **NATIONAL POLICY AND GUIDANCE**

The National Planning Policy Framework ("NPPF") and National Planning Practice Guidance ("NPPG") are significant material considerations. The following paragraphs and sections are of particular relevance:

- 8 - 12 Achieving sustainable development and the presumption in favour of sustainable development
- 54 - 57 Planning conditions and obligations
- 80 Supporting economic growth
- 91 Achieving healthy, inclusive and safe places
- 96 Access to networks of high quality open spaces
- 105 Setting parking standards
- 117 - 118 Making effective use of land
- 122 - 123 Achieving appropriate densities
- 124 - 129 Creation of high quality buildings and places
- 130 Refusing poor design
- 153 Decentralised energy and minimising energy consumption
- 155 - 165 Planning and flood risk
- 170 Conservation and enhancing the natural environment
- 175 Habitats and biodiversity
- 178 - 183 Ground conditions and pollution
- 180 Significance of heritage assets
- 189 - 192 Proposals affecting heritage assets
- 193 - 201 Heritage assets and public benefits

## 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**

#### **1. PRINCIPLE OF DEVELOPMENT**

The site is part of a wider allocation under policy SB8 of the Placemaking Plan. This sets out the following development requirements for the area:

*"1. Residential redevelopment including around 1,500 dwellings, not including student accommodation.*

*2. High density urban form*

*3. A primary school*

*4. On and off site transport infrastructure including an integrated transport system*

*5. Public access to and along the riverside*

*6. Any planning application will need to demonstrate that it is consistent with and contributes to the delivery of the comprehensive development of the whole site by reference to Bath Western Riverside SPD.*

*7. Existing businesses within the site will be permitted to continue to invest in their estates for business purposes insofar as this does not prevent necessary vehicular access to the core of the site. Any associated non-business related development as part of the reorganisation of an estate, including building above the primary business shall be for residential use.*

*8. Lighting at this location must be designed to safeguard the important ecological function of the river corridor, to include the retention of a dark corridor for bats."*

Whether the proposals accord with the development requirements will be discussed throughout the various sections below.

#### *Loss of car showrooms*

The site is allocated for residential redevelopment and there is no objection to the demolition of the current commercial car dealership and its associated buildings. Policy SB8(7) permits existing businesses to be retained within the allocation but does not

require it to be retained. It is therefore considered that there is no conflict with criterion 7 of policy SB8.

### *Build to Rent*

Policy B1 of the Core Strategy enables the development of around 7,020 new homes within Bath, including around 3,300 in the Central Area and Enterprise Zone. Policy SB8 of the Placemaking Plan allocates the application site (as part of a wider allocation) for around 1,500 dwellings. The principle of residential development on this site is therefore acceptable.

The provision of 316 BTR flats within blocks 1 and 2 of the proposed development is in accordance with policies B1 and SB8(1) and would make a significant contribution towards the housing of the allocation.

### *Purpose Built Student Accommodation*

Policy B5 of the Core Strategy sets out the Council's strategic policy for Bath's Universities. In respect of off-campus student accommodation the policy states that:

"Proposals for off-campus student accommodation (whether in the form, C2, C4 or sui generis residential units) or teaching space will be refused within the Central Area, the Enterprise Zone and on MoD land where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to delivering housing, and economic development (in respect of office, industrial, retail and hotel space)."

The site falls within the enterprise zone and therefore it is necessary to consider whether the proposals to incorporate 335 beds of purpose built student accommodation within the development would "adversely affect the realisation of other aspects of the visions and spatial strategy for the city".

Policy SB8 sets out how the Western Riverside allocation is expected to contribute towards the realisation of the vision and spatial strategy for the city. If the provision of 335 beds of PBSA within the allocation does not prejudice any of the development requirements of policy SB8 then it can be considered not to adversely affect the wider vision and spatial strategy for the city and would therefore be in accordance with policy B5.

Requirement 1 of policy SB8 is "Residential redevelopment including around 1,500 dwellings, not including student accommodation." The reference to "not including student accommodation" relates to the preceding words "around 1500 dwellings" and clearly indicates that student accommodation cannot be counted towards the realisation of that number. It does not imply an absolute prohibition on student accommodation within the allocation, provided that the 1,500 dwellings figure can be met. An examination of the capacity of the allocation and the likely number of dwellings to come forward within it is therefore necessary to determine whether the proposed PBSA would be prejudicial to the achievement of this dwellings requirement.

The proposed development would provide 316 dwellings. This represents 21% of the dwelling requirement on a site which comprises just 12% of the total allocation area.

Other approved and extant developments within the SB8 allocation include:

Midland Road Waste Site (reference: 19/05471/ERES)	= 176 dwellings
Comfortable Place (ref: 18/00201/FUL)	= 25 dwellings
Onega Centre (ref: 17/01204/FUL)	= 44 dwellings
Avon Studios (ref: 17/00186/FUL)	= 14 dwellings
Hinton Garage (16/06188/FUL)	= 68 dwellings

Other significant parcels of land within the allocation which could potentially come forward for development include land immediately to the north of the application site (former gaslands) which, subject to detailed assessment, has the capacity to bring forward circa 900 residential units. The Westmark site on the corner of Upper Bristol Road and Windsor Bridge Road also has an indicative capacity of 112 dwellings within the 2018 HELAA.

The Ford and Kia showroom sites which lie immediately to the east of the application site also fall within the SB8 allocation and, whilst there are no current proposals, these sites could also provide capacity for additional dwellings to come forward.

Based upon the above figures (actual and estimated), the allocation could potentially deliver around 1,655 dwellings. A large proportion of this figure arises from potential developments which don't yet have planning permission and therefore it is possible that they will not deliver the estimated figures once they have been through the planning process. However, there is sufficient headroom to accommodate a reasonable reduction whilst still achieving the target of around 1,500 dwellings.

Furthermore, it is material to note that the outline planning permission for Bath Western Riverside (ref: 06/01733/EOUT) which was still extant at the time of the 1,500 dwelling requirement for the allocation was adopted in the Placemaking Plan shows there to be two blocks of student accommodation roughly in the same location as Block 3 and 4 of the current proposals.

In light of the above, it is considered that the proposed 335 beds of PBSA in the current application would not prejudice the realisation of the 1,500 dwelling requirement in policy SB8 and therefore would not adversely affect the vision and spatial strategy for the city in terms of housing.

The principle of the proposed PBSA is therefore acceptable and does not conflict with policy B5 of the Core Strategy or SB8(1) of the Placemaking Plan.

### *Commercial Uses*

The proposal also includes 684sqm of commercial floorspace (Class E) located within the ground floor of blocks 1 and 2. This floor space is split across 4 units ranging between 106sqm to 260sqm.

Whilst these uses are not specifically identified within the text of policy SB8, it requires that any planning application is "consistent with and contributes to the delivery of the

comprehensive development of the whole site by reference to Bath Western Riverside SPD."

The BWR SPD states that the optimum land use balance must be delivered and that a vibrant and vital City quarter will be created through the interrelationship of housing, commercial, retail, cultural, leisure and community activities (paragraph 1.6.5). The summary masterplan from the BWR SPD shows half of the application site as residential led mixed-use including community and local retail and the other half as employment led mixed use (figure 6 of the SPD).

The BWR SPD goes on to state that the Lower Bristol Road character area will contain a greater variety of mixed uses and that the area is likely to support a mixture of employment and residential uses (paragraphs 2.7.29 - 2.7.30). The design codes accompanying the BWR SPD identify the land use mix along Lower Bristol Road and Windsor Bridge Road as being 'commercial with residential above' and 'residential and commercial' respectively.

The proposed commercial uses are therefore considered to be consistent with the BWR SPD and comply with the relevant criteria of policy SB8. Furthermore, the proposed commercial units introduce a mix of uses onto the which will help to activate the street frontage, provide a more balanced community and will generate jobs to counter those lost with the demolition of the existing car showrooms.

It should also be noted that the provision of commercial floorspace is supported by the Economic Development team who welcome the introduction of flexible commercial uses.

Given the consistency with the BWR SPD and policy SB8, it is not considered necessary to apply the sequential test or impact tests set out within policies CR1 and CR2 of the Placemaking Plan. In any case, none of the proposed commercial units breach the 280sqm size threshold for the application of the sequential test in CR1 with the rest of the units falling below the threshold.

None of the proposed commercial units breach the 500sqm threshold for the application of the impact assessment under policy CR2.

The principle of the proposed commercial uses is therefore considered to be acceptable and in accordance with policy SB8(6) and the BWR SPD.

## 2. HOUSING MIX

Policy CP10 of the Core Strategy states that "New housing development, both market and affordable must provide for a variety of housing types and size to accommodate a range of different households" and that "The mix of housing should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location."

Planning Policy have raised concerns about over concentration of BTR schemes in this locality and referred to the nearby development at Spring Wharf (ref: 15/01932/EOUT) and the current proposals at Bath Press (ref: 20/04760/EFUL, pending consideration). There

have also been several comments from members of the public who would prefer to see a mixture of family housing on the site.

However, policy CP10 is not specific about any particular mix or type of residential housing and there is no evidence to indicate the types of housing needed in this area. Whilst there is clearly a cluster of BTR tenure coming forward in this particular location, when viewed in a wider spatial context, the amount of BTR accommodation within the BWR SPD area, or the enterprise area more generally, is a very small proportion of the overall housing stock. When considered in this context the provision of BTR accommodation can be seen to be adding to the mix and variety of housing types in the area.

In terms of house sizes, the proposed development is weighted towards smaller studio and one-bedroom apartments which represent 62% of the proposed units. However, this is not unexpected given the policy requirements within SB8 to deliver a high-density urban form. Furthermore, the provision of 109 two-bedroom apartments and 11 three-bedroom apartments ensures that there is some variety and choice in the size of units provided.

Additionally, the 30% of the homes provided will be affordable housing with a discount to the open market rent adding further choice in terms of tenures. For greater detail, see the affordable housing section below.

It is therefore considered that the proposals will contribute towards a suitable mix and variety of housing types and tenures and comply with policy CP10 of the Core Strategy.

### 3. AFFORDABLE HOUSING

Policy CP9 requires all residential developments of more than 10 dwellings to provide on-site affordable housing. The site falls within the lower value sub-market area where there is a target of 30% affordable housing provision in accordance with policy CP9.

The application provides 30% of the proposed dwellings as affordable housing. This represents a total of 95 affordable homes.

The proposed tenure is discount market rent (otherwise known as affordable private rent). In accordance with the NPPF and NPPG, this tenure is acceptable as the default form of affordable housing specifically designed for BTR and would allow the affordable private rent and private market rent units within the development to be managed collectively by a single BTR landlord (NPPG, Paragraph: 002 Reference ID: 60-002-20180913).

The proposed discount market rent units would be offered with the following levels of discount:

48no. units at 60% of the Open Market Rent (50% of the total number of affordable units);  
47no. units at 80% of the Open Market Rent (50% of the total number of affordable units).

The NPPF and NPPG advise that discount market rents should be set at a level which is at 'least' 20% less than the open market rent (inclusive of service charges). It is

considered that this does not prevent the Council from seeking a greater discount in line with its own affordability limits.

The Council's Planning Obligations SPD states that *"all affordable housing products should be delivered within set affordability limits"* (paragraph 3.1.15, Planning Obligations SPD) and that *"for all affordable rented tenures, the total housing cost (including service charges) for the tenant should not exceed the appropriate Local Housing Allowance (LHA) set by the National Valuations Officer"*.

The Housing Officer has advised that the affordable units offered at 80% of the open market rent would fall outside of the LHA cap, whereas the majority of those offered at 60% of the open market rent (with the exception of the 3bed apartments) would likely fall within the LHA cap.

To meet the affordability criteria set out in the Planning Obligations SPD all the 95 affordable dwellings would therefore need to be offered at 60% of the open market rent. Only half of the proposed affordable homes meet these criteria.

In seeking to justify the lower level of discount (80% of OMV) on the other 46 affordable homes, the applicant has submitted a viability appraisal as permitted to do so in accordance with policy CP9.

The Council have appointed independent viability consultants to review the applicant's submitted appraisal. Whilst some points of difference remain between the applicant's viability consultants and the Council's appointed viability assessors, both appraisals show a viability deficit. The Council's viability consultants have therefore concluded, on balance, that the affordable housing offer tabled by the applicant represents a reasonable position overall as to the level of discount the scheme can viably support.

Therefore, whilst half of the affordable homes do not meet B&NES affordability limits, it is considered that this is justified by the scheme's viability. The proposals are therefore considered to provide affordable housing in accordance with policy CP9 of the Core Strategy.

#### 4. DESIGN

The proposals have been subject to pre-application discussions and has been reviewed by the Council's preferred Design Review Panel (Design West) on three occasions. Revised plans have been received during the application process in response to some of the consultation feedback and responses.

The BWR SPD, which covers the application site, is accompanied by a set of design codes which provide a practical detailed interpretation of the design rules for the wider BWR SPD area. Whilst the BWR SPD and accompanying design codes are quite dated and in some cases elements of the codes have been overtaken by more recent up-to-date evidence (such as the Bath Building Heights Strategy) it still sets out a relevant spatial masterplan that is intended to guide the development of the BWR SPD regeneration area.

*Layout*

The proposals are laid out in four blocks across the roughly rectangular site. Block 1 is located at the western end of the site and has a roughly c-shaped layout which turns the corner from Windsor Bridge Road to Lower Bristol Road. Block 2 is the largest block and occupies the central portion of the site. It has an M-shaped layout with three fingers of the building projecting towards Lower Bristol Road and connected by a linear east-west block towards the rear of the site. The gaps between the fingers of development are filled by a single storey podium which contains the commercial units and the undercroft parking area. Communal outdoor amenity space is provided above the podiums for the occupiers of the block 2. Blocks 3 and 4 contain the PBSA and comprise an L-shaped block and a linear block at the eastern end of the site arranged around a central courtyard.

The blocks seek to utilise a perimeter block style of layout with all sides of the blocks being public facing and the internal courtyards providing private areas for the occupiers of the development. A pedestrian route between blocks 1 and 2 is created which links to an east-west route along the northern boundary of the site. Although the applicant has agreed this route is public, gates/bollards will still be required at the eastern end of the route to prevent vehicle access. The detail of this can be secured by condition. Access to the undercroft parking is via a new street created between blocks 2 and 3.

The area surrounding the site is characterised by a combination of larger blocks and smaller terrace and townhouse properties. The footprint of block 2 is considerable and, even when compared to other existing large blocks in the surrounding area, does not sit that comfortably within the existing urban morphology. Notwithstanding this, the proposals provide a reasonable amount of permeability for pedestrians/cyclists within the site and create a new link from Lower Bristol Road to land immediately to the north. Whilst it is disappointing that the scheme does not provide more than a single connection to the adjoining land, it is acknowledged that the proposed link does help to connect the development to the rest of the allocation providing greater choice and opportunities for pedestrian/cycle movements throughout the wider area. The link is currently shown as a pedestrian/cycle link, but the street is wide enough to accommodate vehicles should the need arise in the future. The link would be secured as planning obligation via a s106 agreement.

The undercroft parking with communal outdoor amenity areas above is a clever response to the constraints of the site which enables the car parking on the site to be hidden from public views without compromising the availability of private amenity space within the development. This is consistent with the approach suggested within the BWR SPD design codes. The podiums provide communal courtyards for use by the occupiers of block 2. The elevated nature of these podiums has the advantage of raising the outdoor communal areas above the street level thereby reducing the noise and disturbance arising from the heavily trafficked Lower Bristol Road. The courtyards are open to the south and so should receive good amounts of sunlight and daylight and provide relatively attractive spaces for the potential occupiers to use.

The proposed development provides active frontages on most of its main elevations with a good mix of uses that will ensure that there is adequate footfall and natural surveillance within the development. The positioning of the commercial units along the Lower Bristol Road frontage provide the most active uses along the main public street of the

development. Conditions preventing the application of decals within shopfronts will be necessary to ensure that these active frontages are not undermined.

The amenity/reception spaces for the development blocks provide a similar, but secondary function along the smaller street and routes through the development. Furthermore, a significant number of the ground floor apartments are provided with front doors to further activate the street and provide natural surveillance. Some concern was raised by the Urban Design about the lack of surveillance near the gated footpath between Lower Bristol Road and the eastern entrance to the PBSA and highlighted concerns about safety. However, following the latest set of revisions to the scheme, uses within block 3 have been rearranged to provide active frontages and natural surveillance over this area.

Many concerns have been highlighted by third parties in respect of the proximity of the proposed building line to Lower Bristol Road.

Despite being key pedestrian routes across the city, the existing streets of Lower Bristol Road and Windsor Bridge Road are dominated by high traffic roads and a busy signalised junction. Lower Bristol Road is enclosed on one side by the retained façade of Bath Press which offers some historic character and interest to the street, but currently does little else towards the creation of an attractive street. The north side of the street is dominated by vehicular cross overs and does not prioritise the pedestrian over the motor vehicle. It is not a pleasant environment for pedestrians or other non-vehicle users. Currently, the only relief for pedestrians using the route is provided by the setback position of the existing car showrooms which enable relatively open views out to the north and lessen the feeling of being enclosed adjacent to a high traffic road.

Earlier iterations of the proposals were considered to be located too close to the carriageway and, given the height of the proposed blocks, were considered to create an unwelcome sense of enclosure which would feel unduly narrow given the busy nature of the adjacent roads. However, the most recent amendments to the scheme have set back the blocks to allow for a wider pavement and area of public realm (alongside reductions in height, see below). The building line is still not parallel with Lower Bristol Road and so the pavement narrows as you move east along Lower Bristol Road. However, the degree of set back now ranges from approximately 5m adjacent to block 3 to almost 12m adjacent to block 1.

This level of set back is now consistent with the BWR SPD design codes which specifies that buildings should be set back by 5m to provide space for street trees (discussed in landscaping section below). The layout is now considered to provide an appropriate sense of enclosure for the street without feeling unduly narrow, giving sufficient space for pedestrians to seek refuge from the busy road, and creating an appropriate new area of public realm which will be activated by the ground floor uses of the proposed development.

### *Height, Scale, Massing and Density*

The BWR SPD design codes indicate a range of building heights for this site including 3-6 storeys along the Lower Bristol Road and 3-8 storeys along the Windsor Bridge Road. However, as discussed above, the BBHS provides a more recent and robust evidence relating to appropriate building heights within the city.

The BBHS splits the city into five zones with recommendations on appropriate building heights for each zone.

The application Site falls within zone 3, the Valley Floor, in relation to which the BBHS states that: *"Building shoulder height should be 4 storeys. One additional setback storey within the roofscape is likely to be acceptable."*

The BBHS also allows for upwards and downward modifiers. Within zone 3, it suggests that 1 additional storey may be acceptable along Lower Bristol Road except where it is in close proximity to existing 2-3 storey residential areas or that 1 additional storey may be appropriate fronting public space and marking key locations such as corners or gateways and mixed use centres. However, it also states that it may be necessary for the height to be less than 4 storeys in response to heritage assets, residential amenity and to prevent intrusion in views. The use of modifiers is at the discretion of the Council and justification will be required on a case-by-case basis. It is therefore a matter of judgement as to whether these modifiers are applied, and they should not be considered as strict tests or rules.

In terms of context, the south of Lower Bristol Road mostly comprises low rise, two storey residential development with the main exception to this being the Bath Press development site which has permission for buildings between 3 - 5 storeys. To the north of Lower Bristol Road there appears to be less of a fine grain of development with the area containing several larger blocks with greater height, scale and massing. This includes the likes of Spring Wharf (4 - 6 storeys), Chivers House (6/7 storeys), Waterside Court (4 storeys), Unite Students (4 storeys) and the residential blocks of BWR phase 1 (mostly 3 - 6 storeys). To the east this context changes again and becomes more finely grained with the 2 storey dwellings of Park View and Victoria buildings and the townhouses at the south end of BWR phase 1.

Block 1 has a shoulder height of 5 storeys with an additional set back roof storey for a total of 6 storeys. It is located on the corner of Windsor Bridge Road and Lower Bristol Road and therefore can be argued to be a key corner into the city. It is also identified as a key corner within the BWR SPD (plan 2.8). Furthermore, some of the comments received in respect of the application have also noted the gateway function served by the site. There is a strong case to suggest that upward modifiers should therefore be applied.

Block 2 includes a mix of 4, 5 and 6 storeys. The southern third of each finger of development in block 2 has a shoulder height of 4 storeys with an additional set back roof storey for a total of 5 storeys. The remaining two thirds of the block which are set back from Lower Bristol Road are 6 storeys. The 4 storey shoulder height with additional set back roof storey is consistent with the BBHS and when viewed in the street scene appears appropriate given the large set back from the road and the heights of the approved Bath Press development opposite (mostly 4 storey with some 5 storey).

Blocks 3 and 4 are both 5 storeys in height, although the top floor is not set back. Whilst not strictly in accordance with the basic recommendations of the BBHS (due to the lack of a set back roof storey), it is material to note that outline planning permission 06/01733/EOUT showed two 5 storey blocks in roughly the same location and layout as blocks 3 and 4 in the current application. Whilst the Council is not bound by its previous

decisions (indeed the Planning committee refused to grant reserved matters consent for two similar blocks under application 19/05165/ERES), the parameters stipulated in the outline planning permission give an indication that this scale of development has previously been found to be acceptable. Furthermore, if account is of the position on Lower Bristol Road then there is a case for the application of upward modifiers which would bring blocks 3 and 4 in line with the BBHS recommendations.

However, it is also important to consider whether downward modifiers should apply. Block 1 does intrude into some views and would have some negative impacts upon important heritage assets (see heritage section below). Other consultees (e.g. Historic England and the Bath Preservation Trust) and third parties also taken issue with the height, scale and massing of the proposed development.

In considering whether the intrusion into views in this case necessitates the application of a downward modifier, it is relevant to consider that the LVIA addendum notes that building heights would have to be reduced to 2 or 3 storeys to reduce or mitigate the impact upon views and landscape. There is an acknowledged tension here between the desire to retain views and the needs for regeneration and delivery of the 1,500 homes envisaged by the allocation. Even if reduced to 2 or 3 storeys, it is highly unlikely that all views across the site can be preserved

The policy context is also an important consideration and the appropriate height of buildings in this location should take account of the allocation of Western Riverside as a 'high density urban form' and the objectives of the BBHS *"To maximise the regeneration potential of the valley floor and support sustainable development"*.

Furthermore, the Design Review Panel considered that the height, scale and massing of the proposed scheme was acceptable and that it would sit comfortably in both long views and streetscape views. The Council's Urban Designer considers that the height and scale of the proposed buildings will still be dominant in the roofscape but acknowledges the importance of maximising density in a central location such as this.

Taking account of the above, it is considered that the application of upward modifiers is, on balance, justified given its location on a key corner and gateway into Bath and that downward modifiers should not be applied given the appropriateness of the proposed building heights within the townscape and the comparatively modest impact upon the heritage assets and intrusion into views.

In terms of roof form, block one comprises two elements: a setback top floor with a shallow roof (similar to a mansard) and a roof storey contained within a shallow double gable located at the north end of the block. This was amended following comments from the Design Review Panel and now represents a more coherent approach to roof form that is more in keeping with the approach to roof form in block 2. Although the roof form of these large floorplate blocks is still very dominant (compared to the finer grain of the city to the south and as seen in more sweeping views), the scheme has avoided the excessive use of flat roofs and the articulation of the roof form is largely successful in helping to mitigate any impact.

The proposed pitched roof forms of blocks 3 and 4 are considered to appropriate and help to break up the appearance of the roof in long views whilst also helping to articulate the massing of the building by creating a series of strong vertical bays along the elevations.

It is acknowledged that this allocated site is identified for a high-density urban form and that there will inevitably be a significant uplift in the quantum and scale of development on the site. The proposed scheme is considered to comply with the BBHS (with the application of upwards modifiers) and the proposed height, scale and massing is considered acceptable.

### *Landscaping*

The application proposals have evolved since the initial pre-application discussions and in response to the comments of the Design Review panel by seeking to retain the existing trees on the corner of Windsor Bridge Road and Lower Bristol Road. The retention of these trees is welcome and does help to soften the visual dominance of block 1.

The landscaping proposals for the proposed scheme are considered appropriate and utilise a mix of hard and soft landscaping to provide several smaller attractive spaces and through routes within the development which will create high quality public realm.

Significant concerns had been raised regarding the scheme's relationship with Lower Bristol Road and how the proximity of the building line would prevent the planting of sufficient meaningful new street trees along this frontage. This is a particularly important as there were previously several street trees along this frontage which were felled prior to the submission of the application (they were not protected by Tree Preservation Orders).

The BWR SPD Design Codes contain conflicting advice regarding street trees on the Lower Bristol Road. In part it states that buildings should be set back by 5m to provide space for street trees, but it also states that trees should be a minimum of 8m from buildings (from centre point of tree). The proposed development complies with the first part but falls short on providing a clear 8m distance between proposed street trees and the proposed buildings.

Earlier iterations of the scheme included fewer street trees which were located closer to building facades. This led to the recommendation from the Design Review Panel in February 2021 (letter from Design West of 3 February 2021, page 7) that additional street tree planting was needed especially along Lower Bristol Road in order to 'improve the setting of the buildings within the streetscape and mitigate the buildings' impact when seen in more distant city views'.

The revised scheme now proposes a total of 18 new street trees along the Lower Bristol Road frontage and set back the building line of blocks 2 and 3 to allow more space for tree canopies. The Landscape Officer has advised that the revised proposals represent a significant improvement to the public realm. They acknowledge that the full degree of setback specified in the BWR SPD Design Code is not achieved but recognise that there are valid practical constraints and that each case must be considered on its own merits.

The accurate visual representations demonstrate how street trees are vital to softening the impact of the high-density urban form along the Lower Bristol Road. They would also play

a role in providing a role in shielding pedestrians from the heavy traffic of Lower Bristol Road and help to improve air quality within the AQMA.

The approach to landscape design as set out in the revised landscape plans (Dwg Nos 101 F and 102 F) is satisfactory and detailed design can be covered by condition.

### *Identity, materials and detailing*

Concerns were flagged with earlier iterations of the proposals that the four proposed blocks lack coherence and a unifying identity. Amendments to the massing, roof forms, materials, elevational design and proportions have sought to address this and now provide the scheme with a unifying, but not monotonous, identity. The aesthetic language of the proposals is visually consistent with the industrial buildings which were historically located in this part of the city. The proposal does not seek to create a pastiche of architecture typical of the Georgian City and has the broad support of the Council's Conservation Officer, Urban Design, Landscape Officer and the Design Review Panel.

The proposals utilise a palette of Bath stone, light yellow multi blend brick and bronze and zinc metal cladding across blocks 1 and 2. Blocks 3 and 4 utilises a combination of light grey, multi blend brick and bronze and zinc metal cladding.

The proposed use of brick has attracted different views from various consultees. The Conservation Officer and Urban Designer are satisfied that the use of brick in this location is appropriate and that that they would successfully evoke and respond to the industrial heritage of the site and its surroundings. However, others such as the Bath Preservation Trust have raised concerns that the use of brick would be out of keeping with the existing context which primarily comprises Bath stone. The Design Review panel also raised concerns about the materials and colour palette of a previous iteration of the scheme which utilised red and grey alternative brick tones on blocks 1 and 2. The use of 'buff brick' would also conflict with the aspects of the BWR SPD Design Codes regarding the use of materials.

In response to the concerns raised the scheme has been amended to incorporate Bath stone along the Lower Bristol Road ground floor elevation. Whilst a relatively small area compared to the size of the proposed blocks, this approach does show a greater regard to the local Bath Context.

Given the distance from the formal Georgian city (unlike other current redevelopment sites such as Homebase on the Pines Way) and the immediate historical context of industrial buildings in this location, such as the former brick buildings located behind the Bath Press façade, it is considered that this approach is acceptable. It is an honest approach which suits the context, including the history of the site, whilst being visually attractive and locally distinctive without appearing anomalous or detracting for the overall visual coherence of the city.

Furthermore, the use of details appears appropriate and well-articulated on elevation drawings. The precise finishes, detailing and materials samples can be secured by condition.

## *Design conclusions*

The proposed development is considered to respond well to the context and the constraints of the site. The proposed layout is successful and ensures that the buildings, the spaces between them, and the interface with the current and emerging context enhances the area promoting greater legibility and permeability and an improved public realm. The retention of some existing trees and introduction of street trees will enhance the townscape as well as the pedestrian experience along the busy Lower Bristol Road. The height, scale and massing of the proposed development is acceptable in accordance with the BBHS and BWR SPD and takes account of the regenerative aims and requirements of the site allocation. The scheme is considered to contribute positively to local character and distinctiveness.

The proposals are therefore considered to comply with policies BD1, D1, D2, D3, D4 and D5 of the Placemaking Plan and are acceptable in design terms.

## 5. HERITAGE

The proposal has the potential to have impacts (both positive and negative) upon a range of heritage assets. These are considered in turn below:

### *World Heritage Site*

A Landscape and Visual Impact Assessment ("LVIA") has been submitted with the application and assesses the impact of the development from several viewpoints.

The Conservation Officer advises that Bath, in common with many historic towns and cities, is predominantly low rise in character, punctuated with a limited amount of tall historic buildings, most notably the Abbey. Bath is also characterised by the surrounding, elevated topography and this crucial landscape setting is part of the OUV of the World Heritage Site. Furthermore, the surrounding hills afford important and significant, sweeping views across the city in all directions that have been valued historically, and this remains the case today and are significant in how the city is interpreted, enjoyed and experienced.

The Landscape Officer, having reviewed the submitted LVIA, indicates that the proposals will result in considerable change to the site, including some level of adverse effects associated with the loss of views to the green hillsides, views that are of noted value and are subject to specific policy protection. However, they also rightly note that such effects are largely in views close to the site where any redevelopment of the type envisaged in the strategy for the area would lead to some loss of views. They also identify that the positive regeneration of the area gives rise to beneficial effect including enhancement of the public realm and streetscape

Historic England have highlighted that they consider the proposals to cause harm to the World Heritage Site as a result of the cumulative impact of the development together with other existing and permitted schemes in the area. They indicate that the scale, height and bulk of the proposals will contribute towards the creation of a visual mass that would detract in longer, sweeping views towards the Georgian City. Historic England categorise

this harm as less than substantial and describe it as 'modest'. The Conservation Officer echoes these concerns but ultimately concludes that the proposals would result in less than substantial harm and describes this harm as 'slight'.

The Built Heritage chapter of the Environmental Statement submitted with the application concludes that the proposals will have no impact upon the OUV of the World Heritage Site. However, the assessment is not convincing or credible particularly in light of the assessments provided by the multiple consultees outlined above and third parties such as the Bath Preservation Trust.

It is therefore considered that the scale, height and massing of the proposed development would result in modest harm to the OUV of the World Heritage Site, its relationship with the surrounding green hillsides and the sweeping views across the city. It will also contribute towards an increasing cumulative harm together with other existing and permitted schemes in the area.

In the language of the NPPF this harm is considered to be 'less than substantial' (substantial harm is a very high bar) and in accordance with paragraph 196 should be weighed against the public benefits of the scheme.

The Courts have been clear that this is not a straight balancing exercise. Paragraph 193 of the NPPF makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

World Heritage Sites are identified as heritage assets of the highest significance which are internationally recognised to be of Outstanding Universal Value (paragraph 184, NPPF). It is therefore considered that very great weight should be given to its conservation.

The public benefits of the proposed scheme are set out in a separate section below. The public benefits associated with proposals are considered to be significant, including the delivery of an allocated site which requires a 'high density urban form' and a significant uplift in the quantum of development. Given the allocation of the site, some loss of views to the city's surrounding green hillsides is inevitable and it is considered that the proposed scheme has struck the right balance between delivering on the requirements of the policy allocation and minimising harm to the World Heritage Site. The harm to the World Heritage Site is affordable considerable and great weight, but the identified public benefits are ultimately considered to outweigh this harm.

The proposals are therefore considered to comply with policy B4 and HE1 of the Core Strategy/Placemaking Plan in respect of the World Heritage Site.

### *Conservation Area*

Third parties have highlighted concerns about the potential impact of the proposals upon the setting of the Bath Conservation Area. When seen in distant views (such as VP14 Bath City Farm) the proposed development would be very clearly seen against a backdrop

of other built development in that part of the city. Furthermore, the application site is a significant distance from the Bath Conservation Area and the proposals will not be prominent in any important views out of the Conservation Area. The proposed development is therefore not considered to have any adverse impact upon its setting.

### *Listed buildings*

There are no listed buildings in the immediate vicinity of the application site. The nearest listed buildings are located to the east along Lower Bristol Road, such as Victoria Buildings (Grade II) and Park View (Grade II). Further to the south is 17-29 Denmark Road (Grade II) and to the west is Charlton House (Grade II).

Given their location and distances from the application site, there is no impact upon the significance or setting of 17-29 Denmark Road or Charlton House.

In respect of Victoria Buildings and associated public house, Belvoir Castle and Park View (all Grade II respectively), there is only a limited degree of intervisibility with the application site although they would be experienced within dynamic views along the Lower Bristol Road. Clearly the proposed development is of a different magnitude, including building heights, to this existing, modest and artisan historic residential development and there would be some harm to this collective historic townscape. The Conservation Officer considers this harm to be less than substantial and describes it as a slight/moderate.

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

Considerable weight and importance should therefore be given to the harm identified to the above setting of the above listed buildings. In accordance with paragraph 196 this harm should be weighed against the public benefits of the scheme. In this case, it is considered that the considerable public benefits of the proposed development outweigh the great weight given to the harm identified.

### *Undesignated heritage assets*

The site is situated directly opposite the retained façade of the Bath Press building which holds heritage significance as a prominent neo-classical structure with Art-Deco architectural detailing that is illustrative of the industrial development along Lower Bristol Road during the 20th Century. The façade is therefore considered to be non-designated heritage asset.

Clearly the proposed development is of a different magnitude, including building heights, to the retained façade of the Bath Press. As a result, the Conservation Officer considers that there will be some less than substantial harm to its setting and describes this harm as slight/moderate.

Paragraph 197 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In this instance, the level of harm identified to the setting of the non-designated asset is low (slight/moderate) and there are also townscape benefits arising from the improved public realm and from the appropriate design of the proposals which mitigate this harm. It is therefore considered that the public benefits of the proposals outweigh the harm identified to this non-designated heritage asset.

### *Archaeology*

The proposals do not raise any archaeological concerns and the Council's appointed archaeologists have raised no objection to the proposals.

### *Heritage conclusions*

The proposals result in less than substantial harm to the OUV of the World Heritage, the setting of a small number of listed buildings and the non-designated retained façade of Bath Press. The level of harm identified is relatively low (described variously as modest, slight and slight/moderate). Great weight must be given to this harm, but is it considered that in each case the significant public benefits of the scheme provide a clear and convincing justification for the development which outweighs the harms identified.

The proposed development is therefore considered to comply with policies B4 and HE1 of the Core Strategy and Placemaking Plan.

## 6. COMPREHENSIVE DEVELOPMENT

Policy SB8, clause 6 states:

"any planning application will need to demonstrate that it is consistent with and contributes to the delivery of the comprehensive development of the whole site by reference to Bath Western Riverside SPD."

The BWR SPD states that any applications must comply with one of the following requirements to demonstrate a comprehensive development:

- A. Applications must be accompanied by an acceptable Context Plan for the entire Development Zone within which the application site is located; or
- B. Applications must be in accordance with a Context Plan that has previously been approved under A above; or
- C. Applications must propose a form of development that is of either equal or superior quality, in terms of conformity with this SPD, when compared to a Context Plan that has previously been approved under A above.

The relevant Context Plan in this instance is the masterplan approved under application 06/01733/EOUT which includes the eastern third of the current application site. The ability to submit reserved matters against this outline masterplan has expired and it is no longer likely to be implemented fully in its current form. However, the Council are aware that work is ongoing to prepare a revised masterplan for the development zone to the north of the application and that this is likely to involve some changes to the current masterplan.

The current application has provided evidence of cooperation and joint working with the promoters of the land to the north. The proposals incorporate a north-south route which connects Lower Bristol Road through to the adjacent land parcel ensuring that there will be pedestrian and cyclist permeability throughout the wider allocation. Furthermore, blocks 3 and 4 are very similar in terms of layout to that shown on the previously approved masterplan. The current proposals are therefore not considered to prejudice emerging plans for land to the north and can be considered to contribute towards the comprehensive delivery of the whole site.

## 7. RESIDENTIAL AMENITY

The proposed development will provide acceptable accommodation for the potential occupiers. Most of the proposed units meet Nationally Described Space Standards except for some of the studios (average 35.2sqm compared to standard of 37sqm) and for 5 of the 3bed units (81.9sqm compared to standard of 84sqm). Whilst there is variety across the proposals most of the BTR and PBSA properties would have good levels of privacy, outlook and light alongside access to outdoor space. The quality of the proposed accommodation, particularly within block 2, is slightly tempered by the extremely long corridors shown on the floor plan which will contribute towards something of an institutional feel for occupiers. However, there is a good use of balconies which help to provide improve the amenity of many of the proposed dwellings.

The landscaped communal areas above the car park podiums will provide a decent amount of outdoor space for the potential occupiers of block 2. Surface level outdoor amenity spaces are provided for block 1 and along the north side of block 2. Whilst these do not benefit from the same levels of privacy, due to their position along public routes, they do aid the residential amenity of the scheme. The two PBSA blocks are positioned around a central courtyard which will provide a decent level of outdoor amenity space for the student occupiers. Overall, provision of outdoor amenity space is considered to be adequate to meet the needs of the potential occupiers.

The nearest existing residential properties to the application site are those located within Spring Wharf to the west of the Lower Bristol Road/Windsor Bridge Road junction. However, the separation distance between the proposed block 1 and Spring Wharf is such that the proposals will not result in any significant loss of light, outlook or privacy.

The Bath Press development to the south has not yet been built. However, the separation distance provided by the Lower Bristol Road ensures that the current proposals will not adversely impact upon the residential properties within the approved Bath Press scheme.

The next phase of the Bath Western Riverside development to the north has also not yet been built. The northern building line of the proposed development is set back from the

boundary to ensure that the proposals will not prejudice the residential amenity of any development on the land to the north which may subsequently come forward.

Considering the above, the proposals will not have a significant adverse effect upon the amenities of any adjoining occupiers and will provide adequate levels of amenity for the potential occupiers.

## 8. HIGHWAYS AND PARKING

### *Built to Rent Parking*

The Council's Parking Standards are set out within schedule 2 of policy ST7. The site falls within the Bath Outer Zone where the following minimum vehicle parking standards for C3 uses apply:

- 1 space per one bed dwelling
- 2 spaces per two to three bed dwelling
- 0.2 space per dwelling for visitor parking

Based upon the dwelling mix of the proposed 316 BTR units the minimum parking requirement is 499 spaces. Policy ST7 allows for a reduction in the minimum residential parking standards based upon the completion of an accessibility assessment. The completed accessibility assessment 'scores' 40 which permits officers to apply a discount factor of between 10% and 25% to the minimum number of off-street parking spaces. Applying the highest permitted level of discount of 25% the minimum parking requirement is reduced to 374 parking spaces.

The application proposes to provide 102 off-street parking spaces to serve the BTR units. This equates to a ratio of 0.32 parking spaces per BTR dwelling and represents a deficit of 272 parking spaces compared to the minimum standard (after applying the accessibility discount).

The Parking Strategy (Technical Report 2018) which supports the parking standards in ST7 states that where *"Supplementary Planning Guidance defines a reduced parking standard for a particular area that takes precedent over the parking standards set out in this document, the accessibility reduction will not apply."* (pg. 20, 3.3.). The BWR SPD Design Codes set out a requirement of 0.7 parking spaces per dwelling average. Applying this ratio would result in a minimum parking standard of 221 spaces with the proposed scheme having a shortfall of 119 spaces.

Either way, this represents a significant shortfall in the number of off-street, car parking spaces and the Highways Officer has expressed concerns that the development would therefore result in an increase in the number of on-street parking activities in the vicinity of the application site to the detriment of highways safety and residential amenity.

The supporting text to policy ST7 states that *"The prescribed parking standards need to be considered in a sensitive and flexible way that reflects local circumstances"* (Para. 655). Furthermore, the Parking Strategy (Technical Report 2018) indicates that *"the final level of parking to be provided remains subject to the judgement of the Council"* (pg. 20,

3.3). These statements imply that a degree of flexibility and judgement is required when determining the appropriate level of discount and that the accessibility assessment is not immutable.

The applicant has put forward several matters which it considers justify a greater level of discount than suggested by the accessibility assessment.

There is a suggestion that BTR accommodation does not generate the same parking demand as other forms of residential accommodation. Reference is made to a couple of third-party reports (REalyse, Jan 2021 and British Property Foundation, February 2017) to support this assertion. Whilst these reports do suggest that tenure can make a difference to parking demand, they also suggest that location and accessibility is the primary factor. The evidence provided does not justify such a significant shift away from the adopted parking standards because a reduction has already been applied via the accessibility statement.

Another relevant factor as suggested by the NPPF (para 105) is the level of car ownership which within the 'Westmoreland' ward is 0.57 cars per household. Even if this were used as a proxy for an appropriate parking standard (which would be incorrect given the approach set out in policy ST7) there would still be a shortfall of nearly 80 spaces within the proposed scheme.

Another factor is the range of measures which the proposed development would be providing to improve the accessibility of the development and increase the opportunities for modal shift away from private motor vehicles. These are set out below:

1. Provision of 690 cycle spaces in covered and secure cycle stores for B-T-R element and 170 cycle spaces for student accommodation.
2. On-site motorcycle parking spaces.
3. 10% active electric vehicle charging points (EVCP) and remaining 90% with passive provision.
4. 2 Car Club vehicles via Enterprise (these would be available to the residents of the development as well as general public).
5. Improving all the footways on site frontage as part of S278 agreement.
6. Contribution of £181,000 towards upgrading crossing across Windsor Bridge Road approach to Toucan Crossing.
7. Upgrading street lighting on site and at the Lower Bristol Road/Windsor Bridge Road junction via a contribution of £12,500.
8. Improving bus stop with bus kerbs on site frontage as part of S278.
9. Upgrading the existing pelican crossing into Toucan Crossing on Lower Bristol Road (adjacent to Midland Road junction) as part of S278 agreement.
10. Commitment to implement a Travel Plan.
11. Cycle Purchase Vouchers from a local cycle shop - Take Charge Bike. Every household at B-T-R scheme would be provided with a cycle purchase voucher with a value of £150; of which £75 would be subsidised by Watkin Jones and the remaining £75 by the bike shop. The total contribution amounts to £75 x 316 = £23,700.
12. Contribution towards future Resident Permit Zone (RPZ) consultation.
13. Accepting that residents would be precluded from obtaining parking permits.
14. Monitoring the usage of the proposed 2 Car Clubs regularly in liaison with the Car Club operator - Enterprise.

15. Provide electric bike charging points - 10% of the total cycle parking spaces.
16. 'Welcome Travel Pack' to all residents as part of their contract package.
17. Set up Bicycle User Group.

The Council's Highways Officer agrees that these matters go some way to promoting travel by more sustainable modes of transport, however, on balance they do not consider that the package of measures is comprehensive enough to achieve the significant modal shift that would be required to make the proposed off-street, car parking provision acceptable.

Another relevant matter is the Council's declaration of a Climate Emergency (March 2013) with the objective of becoming carbon neutral by 2030. One of the key priorities in addressing the Climate Emergency is to encourage a major shift away from reliance on the private car to mass transport, walking and cycling to reduce transport emissions. Whilst the emphasis placed upon maximising sustainable travel opportunities holds some weight, it is difficult to translate this into a justified and quantifiable reduction to the current parking standards. Furthermore, any change to the parking standards to give effect to these priorities will come through the Local Plan Partial Update ("LPPU") process.

The LPPU is currently at the Options stage at time of writing and the Draft Plan will be discussed at the Council meeting on 22nd July. The NPPF gives clear guidance on the weight to be given to emerging plans (paragraph 48) based upon their stage of preparation, the extent of unresolved objections and their consistency with the framework. Based upon the fact that the LPPU has not yet been published as a draft plan it can only be given very limited weight.

Even after the publication of the draft plan, it will still need to go through a round of formal consultation before being submitted for examination. The LPPU will therefore still be at a relatively earlier stage and there is still significant potential for unresolved objections. The draft plan should therefore only be given limited weight.

There are also two further factors which would militate against any further reduction to the parking standards.

Firstly, the application confirms that the off-street parking spaces would be optional for the occupiers of the development and would be charged at a monthly rate. The Highways officer has concerns that that future occupiers may be reluctant to pay the monthly charge for renting a car parking space within the site, on top of their monthly rent, choosing instead to seek parking opportunities on the surrounding residential streets.

Secondly, the application site and surrounding area is not covered by a Residents Parking Zone ("RPZ") and on-street parking in many of the surrounding streets is not restricted. These factors increase the likelihood of occupiers of the proposed development parking in surrounding streets which already have high levels of on-street parking to the detriment of highways safety and residential amenity.

There are currently plans for a consultation on a RPZ for Oldfield Park. However, officers have discussed the timescale for implementing the RPZ with colleagues from the 'Traffic Management' team who have confirmed that presently there is no firm timescale, other than consultation later this year to determine if the majority of residents support the

introduction of the zone. Without certainty or control over whether a RPZ will be introduced in this location, limited reliance can be placed upon it to mitigate the impacts of the proposed development.

Furthermore, it is acknowledged by the Highways Officer that on-street parking stock in the surrounding area is limited and existing demand is known to be high.

Taking account of all of the above, it is considered that the proposed development would fail to provide an adequate level of parking, would increase on-street parking in the vicinity of the site and would adversely affect highways safety and residential amenity contrary to policy ST7 of the Placemaking Plan.

### *Student Accommodation Parking*

The parking standards set out in schedule 2 of policy ST7 indicate that there should be zero off-street parking provision for student accommodation.

The proposed PBSA does not provide any on-site parking and is therefore consistent with the parking standards of policy ST7. Notwithstanding this compliance with the parking standards, it is acknowledged that concerns have been raised that students may choose to bring cars and park in surrounding local streets. It is proposed that this can be controlled by a suitably worded condition which requires residents of the student accommodation would have a clause in their leases that would not allow them to bring a car whilst living in the accommodation.

### *Commercial Use Parking*

The proposals do not provide any dedicated parking spaces for the commercial units, as it is expected most trade will be from passing footfall in this location. There are other examples of commercial uses along Lower Bristol Road without dedicated off-street parking. The Highways Officer is satisfied that this approach is acceptable due to the size of the proposed units and the location.

### *Cycle Parking*

The cycle parking standards require a total of 632 cycle parking spaces for the BTR accommodation and 112 cycle parking spaces for the PBSA.

The proposed development provides 690 secure, covered cycle parking spaces for the BTR element and 170 secured, covered cycle parking spaces for the PBSA. The level of cycle parking for the BTR and PBSA elements complies policy ST7 and is therefore considered acceptable.

### *Access*

The access proposals have been reviewed by the Highways Officer who considers that the access geometry and visibility is acceptable and that it is forecast to operate within capacity. The proposed access is not considered to raise any highway safety issues.

The stopping up an existing access off Windsor Bridge Road is considered to be beneficial to highway safety. The proposals would also significantly reduce the number of crossovers on this part of Lower Bristol Road and would be access via a single point between blocks 2 and 3.

Highways are generally satisfied with the number of trips generated by the proposed development compared to the existing car showroom use and have raised no objection on this matter.

### *Pedestrians, cyclists and public transport*

Policy ST1 of the Placemaking Plan seeks the delivery of well-connected places which are accessible by sustainable means of transport and requires, inter alia, the provision and enhancement of facilities for pedestrians, cyclists and the mobility impaired and the improvement and provision of new public transport facilities.

In seeking to address these matters the application offers to provide the following

1. Provision of 690 cycle spaces in covered and secure cycle stores for B-T-R element and 170 cycle spaces for student accommodation.
2. On-site motorcycle parking spaces.
3. 10% active electric vehicle charging points (EVCP) and remaining 90% with passive provision.
4. 2 Car Club vehicles via Enterprise (these would be available to the residents of the development as well as general public).
5. Improving all the footways on site frontage as part of S278 agreement.
6. Contribution of £181,000 towards upgrading crossing across Windsor Bridge Road approach to Toucan Crossing.
7. Upgrading street lighting on site and at the Lower Bristol Road/Windsor Bridge Road junction via a contribution of £12,500.
8. Improving bus stop with bus kerbs on site frontage as part of S278.
9. Upgrading the existing pelican crossing into Toucan Crossing on Lower Bristol Road (adjacent to Midland Road junction) as part of S278 agreement.
10. Commitment to implement a Travel Plan.
11. Cycle Purchase Vouchers from a local cycle shop - Take Charge Bike. Every household at B-T-R scheme would be provided with a cycle purchase voucher with a value of £150; of which £75 would be subsidised by Watkin Jones and the remaining £75 by the bike shop. The total contribution amounts to £75 x 316 = £23,700.
12. Contribution towards future Resident Permit Zone (RPZ) consultation.
13. Accepting that residents would be precluded from obtaining parking permits.
14. Monitoring the usage of the proposed 2 Car Clubs regularly in liaison with the Car Club operator - Enterprise.
15. Provide electric bike charging points - 10% of the total cycle parking spaces.
16. 'Welcome Travel Pack' to all residents as part of their contract package.
17. Set up Bicycle User Group.

The Highways Officer has confirmed that they are satisfied that the package of improvements to walking, cycling and public infrastructure is acceptable and commensurate with the scale of the development. It is considered that these proposals meet the requirements of policy ST1. These matters can be secured through a combination of planning obligations and conditions.

However, the Highways Officer has also been clear that the package of measures offered is not sufficient to outweigh the conflicts with policy ST7 arising from the substantial deficit in off-street parking (see parking section above).

### *Student arrival and departure strategy*

A student arrival and departure strategy has been provided to demonstrate how traffic and parking would be managed during moving in and moving out days. This has been reviewed by the Highways Officer and found to be acceptable in principle, but further detail is required and can be secured by condition. This could include exploration of the possibility of creating temporary parking spaces within the site's courtyard for use as student arrival/departure bays.

### *Deliveries and Servicing*

The proposals include two on-street parking bays which will be utilised for deliveries and servicing of the proposed commercial units. A Delivery Management Plan can be secured through a suitably worded planning condition if permission were to be granted.

The internal hard surfaced areas that will be provided for the movement of people and vehicles will be maintained by a private management company and will also enable the servicing of the BTR and PBSA blocks.

Refuse is proposed to be stored by the management company within mini recycling centres. There are proposed to be eight bins in the western building, 24 bins in the central building and 18 bins in the eastern building. An additional two bins will be contained within each of the commercial units.

These arrangements are considered acceptable and have raised no objection from the Highways Officer.

### *Highways conclusions*

Access to the proposed development is acceptable and it will not have any unacceptable impact upon traffic or junction capacity. Furthermore, the proposals will provide a comprehensive package of walking, cycling and public transport improvements in accordance with policy ST1.

Notwithstanding this, the proposals have a substantial deficit in off-street parking (272 spaces) and this will likely result in a significant increase in on-street parking in the vicinity

of the application site to detriment of highways safety and residential amenity. The proposals are therefore contrary to policy ST7 of the Placemaking Plan.

## 9. ECOLOGY

There is no objection in principle to this application on ecological grounds. The scheme involves development on land of low ecological value. Retention of trees in the south-west corner and northern boundary vegetation is welcomed.

The site is 125m from the River Avon and 115m from Linear Park Site of Nature Conservation Interest (SNCI), both known to be suitable corridors for dispersing horseshoe bats. Impacts are relatively unlikely, although not impossible, due to the density of development between the application site and these habitats. If there is an uninterrupted view of the River, this may indicate that light spill onto the habitat is theoretically possible. The External Lighting Assessment (Box Twenty, July 2020) is welcomed. In the Waterspace Design Guidance (B&NES Council, 2018), the site qualifies within Zone D and therefore no specific lux requirements are needed. Light spill onto the River Avon still needs to be avoided. The Assessment confirms that 'The proposed external lighting does not spill light onto the River Avon'. The use of dimming and a curfew is welcomed. A detailed specification will be required and can be secured by condition.

Internal light spill does not appear to have been fully taken into consideration. It is assumed that there will be no external lighting on balconies on upper floors. A solid panel for balconies would also be preferred to minimise light spill, particularly if bat and bird habitat features are to be integrated into the building. Any internal lighting will need to be recessed and facing away from balcony doors. The ecologist considers that a detailed specification can be secured by condition in this instance as there is not a credible risk of significant impacts on habitats used by light-sensitive bat populations.

Amendments/additions to the landscaping scheme are recommended, although overall the proposals are likely to result in a net increase of on-site habitats. The commitment to at least 50 integrated bird boxes (including boxes suitable for swift) is strongly supported. The planting of 64 new trees is also encouraging. Both measures are consistent with delivering biodiversity net gain in accordance with the NPPF (paragraphs 170, 174, and 175), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for example Policies D5e and NE3) and in accordance with the recent Ecological Emergency declaration by Bath and North East Somerset Council.

Conditions will need to be attached to secure the ecological consultant's recommendations, specification for ecological enhancement measures (including integrated bat and bird boxes) and detailed external lighting specification. A compliance report will also need to be secured.

The proposals are therefore considered to comply with policy NE1, NE3, NE5, D5(e), D8 and criterion (8) of policy SB8.

## 10. TREES AND WOODLAND

An arboricultural impact assessment, an arboricultural method statement and tree protection plans have been submitted in support of the application

These show that 50No. trees, 1No. tree group and 2No. hedges were identified on site. A total of 27 of these trees would need to be removed in order to enable the construction of the proposed development. This number includes 5 grade B trees of moderate quality, 19 grade C trees of low quality and 3 grade U trees that are considered to be unsuitable for retention. In addition, all of the trees in Group 1 would be removed as would the smaller of the two hedges together with a small portion of the larger.

This means that 23No. trees would be retained of which 4 are grade B and judged to be of moderate quality and 19 are grade C and judged to be of low quality.

The submitted plans indicate that 64 new trees will be planted as a result of the proposed development.

Bath and North East Somerset Council's Local Plan Policy NE6 makes clear that development will only be permitted where it seeks to avoid any adverse impact on trees of landscape and amenity value; includes appropriate retention and new planting of trees; and if it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development, compensatory provision will be made in accordance with guidance in the Planning Obligations SPD.

While the proposals cannot avoid having an adverse impact on trees of wildlife, landscape and amenity value it is clear that a significant number of trees would be retained and that a significant number of new trees would be planted. Furthermore, it is clear that the proposed tree removals would be unavoidable and that the numbers of newly planted trees would exceed the number required to compensate for the losses using the fixed number tree replacement system in the Planning Obligations SPD.

While the Council's Arboricultural Officer would have preferred to see development proposals which retained a greater number of trees and particularly those to be lost that are of moderate quality (T17, T42, T43, T44, T48), they do not consider that the predominantly low quality of trees that would be removed would be grounds for an arboricultural objection to the scheme especially given that the proposed replacement tree numbers (64No.) exceed those required under the Planning Obligation SPD (43No.) by some margin.

The Council's Arboriculturalist is also satisfied with the protection measures set out in the submitted Arboricultural Method Statement and Tree Protection Plans would provide adequate protection for the trees that would be retained. Subject to relevant conditions securing these matters, the proposals are considered not to conflict with policy NE6.

## 11. PARKS AND GREEN SPACE

Policy LCR6 states that where new development generates a need for additional recreational open space and facilities which cannot be met on-site or by existing provision, the developer will be required to either provide for, or to contribute to the provision of accessible sport and recreational open space and/or facilities to meet the need arising from the new development in accordance with the standards set out in the Green Space Strategy, and Planning Obligations SPD or successor documents

Onsite public open greenspace isn't proposed within the application and no evidence has been provided to suggest greenspace will be provided on the adjacent future development site, therefore the development is reliant on existing off-site provision for the recreational needs of the residents.

The development site is adjacent to the Waterspace River Park / River Line project. It is considered that the green space demands generated from the development can be met through a S106 payment to this project to make the development acceptable in planning terms in compliance with policy LCR6

The Parks and Open Spaces has calculated the total contribution amount required in line with the Green Space Strategy and based upon the potential occupancy of the proposed development to be £513,838 (capital cost and 10years maintenance).

The applicant has does not agree with the calculated sum and has offered to pay a contribution of £62,776 towards green space improvements. The applicant argues that the contribution amount would adversely affect the viability of the scheme and reduce the overall level of affordable housing which could be provided.

The Council's independent review of the scheme's viability demonstrates that the scheme can only viably deliver the offered £62,776 without adversely affecting the provision of affordable housing. A reduction in the to the required contribution amount is therefore considered acceptable and preferable to any reduction in the amount or affordability of the proposed affordable housing. The scheme is therefore considered to comply with policy LCR6 of the Placemaking Plan and policy CP13 of the Core Strategy.

## 12. FLOOD RISK

Approximately one third of the site falls within flood zone 3a (Mini dealership) with the remaining two thirds falling within flood zone 2 (BMW dealership). The proposed uses within comprise residential (BTR and PBSA) and commercial uses which are classified as 'more vulnerable' and 'less vulnerable' respectively in the Flood risk vulnerability classification table within the NPPG.

### *Sequential test*

The NPPG advises that the Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test. The site forms part of allocation policy SB8 which has been sequentially tested through the development plan. It is therefore considered that there is no requirement for the proposed development to pass the sequential test.

### *Exceptions test*

The exceptions test requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

The proposed development provides several sustainability benefits to the community which are discussed in greater detail in the public benefits section below. Furthermore, the site is in an area which is to undergo a significant regeneration as part of the wider policy SB8 allocation. In these circumstances, the NPPG advises that it is very likely that the regeneration strategy will provide the wider sustainability benefits to pass the first part of the Exception Test. Taking account of these factors, it is considered that the proposals will provide sufficient sustainability benefits to the community to outweigh the flood risk. The first part of the exceptions test is therefore met.

In response to the second part of the exceptions test, a detailed Flood Risk Assessment has been submitted. This has been reviewed by the Environment Agency and the Council's Flood Risk and Drainage Team who have raised no objection to the proposals, subject to conditions. It is therefore considered that the proposals will be safe for their lifetime and will not increase the risk of flooding elsewhere. The second part of the exceptions test is therefore met.

### 13. DRAINAGE

The existing site is currently served by an existing surface water network of gullies, linear drainage channels and sewers which discharge into the wider Wessex Water drainage network. These will need to be removed to accommodate the proposed redevelopment of the site.

The proposed drainage strategy will split the site into two drainage networks which then connect back into the wider Wessex Water drainage network. The runoff rates will be controlled via the use of attenuation tanks below ground. The proposed discharge rates and points of connection have been agreed with the Council's Flood Risk and Drainage team and are considered acceptable, subject to conditions securing final details.

### 14. CONTAMINATED LAND

As detailed in the Ground Conditions Assessment and Remedial Strategy reports, further site investigation following site demolition works and further groundwater monitoring, sampling and risk assessment is required to further investigate and delineate the site and complete a detailed quantitative groundwater risk assessment to assess risks to Controlled Waters

No objection to the proposals has been raised by the Council's Contaminated Land Officer or Environment Agency, subject to conditions requiring further investigation, remediation (if necessary) and verification.

## 15. AIR QUALITY

The site falls within the Bath AQMA and a chapter of the Environment Statement is devoted to the consideration of the impacts upon air quality. This considers two potential impacts arising from the development; construction dust and effects during operation.

The report has been reviewed by the Council's Environmental Monitoring Team who has raise no objection to the proposals.

The report shows that, if mitigated, the effects of construction dust are insignificant. A Demolition and Construction Management Plan has also been submitted which details the proposed mitigation. The Environmental Monitoring Team advise that deliveries to the site area scheduled out of peak times to reduce congestion at the Windsor Bridge Road/Lower Bristol Road junction. These matters can be scheduled by condition.

In respect of the operation phase, the report (and subsequent addendum) demonstrates that the nitrogen dioxide concentrations will remain below 40  $\mu\text{g}/\text{m}^3$  although there are some slightly adverse effects at some locations with the revised plans. As concentrations are predicted to remain below 40  $\mu\text{g}/\text{m}^3$  there is no objection to the development. Proposed mitigation measures include a Travel Plan, including the provision of cycle parking and electric vehicle charging points. These can be secured by condition.

The proposal is therefore considered not to give rise to unacceptable polluting emissions and would comply with policy PCS3 of the Placemaking Plan.

## 16. SUSTAINABLE CONSTRUCTION AND CLIMATE EMERGENCY

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%.

A detailed energy strategy and completed sustainable construction checklist have been submitted with the application. Both have been reviewed by the Council's independently appointed sustainability assessor who has raised no objection to the proposals.

The submitted Sustainable Construction Checklist indicates that the proposals will provide a 33.0% improvement in carbon emissions for the proposed residential development (BTR and PBSA) and a 27.53% reduction in carbon emission for the non-residential development (commercial units).

The checklist and energy strategy set out several measures that will help to achieve these reductions whilst also meeting the other aspects of sustainable design and construction listed in policy CP2.

- o Connection to the Bath Western Riverside District Energy Network (if available) or alternatively use of Air Source Heat Pumps for hot water
- o Incorporation of low U-value fabric

- o Roof mounted solar PV panels
- o Water saving fittings and appliances (meeting national optional Building Regulations)
- o Smart meters for utilities

The proposals are therefore considered to comply with policies CP2, SCR1 and SCR5 of the Core Strategy and Placemaking Plan.

As mentioned in the Highways section above, the proposals will also include ample cycle parking, electric vehicle charging and 2no. car club spaces which are all considered to make a contribution to addressing the climate emergency.

Placemaking Plan Policy CP4 (District Heating) states that the use of combined heat and power (CHP), and/or combined cooling, heat and power (CCHP) and district heating will be encouraged within a 'District Heating Priority Area' (DHPA). The application site falls within Bath Riverside DHPA and in such locations the policy requires development to firstly incorporate the necessary infrastructure for district heating and secondly connect to existing systems where and when this is available, unless it can be demonstrated that this would render development unviable. There is not currently a district heat or energy network that the site can connect to, however the energy strategy has been developed to allow connection the proposed Enterprise Area network, in the event that it become available during the lifetime of the development.

If the heat network is initially unavailable, the submitted energy strategy statement confirms that an air source heat pump solution will instead be implemented and that in that event the 19% policy target would still be met on-site.

It is not clear if and when the Enterprise Zone heat network will become available, but it is important that when/if it does, the development connects to it to ensure ultimate compliance with Policy CP4. It is recommended therefore that should permission be granted provision be made in the S106 Agreement to secure this future connection.

## 17. PUBLIC BENEFITS

The application proposals would deliver several public benefits which are primarily set out in the submitted planning statement, but also summarised below.

### *Housing*

The proposed development would create 316 BTR dwellings which would contribute towards meeting housing need within Bath as expressed through policies B1 of the Core Strategy and SB8 of the Placemaking Plan. This would be a significant contribution towards meeting the allocation development requirements and the Council's overall housing target.

The applicant has also confirmed that the proposals would be delivered by 2026 and would therefore make a significant contribution towards the Council's 5 year land supply.

This includes the provision of 95 affordable dwellings offered at a discount to the open market rent. The provision of this quantum of affordable housing within a single brownfield development is given significant weight.

The provision of 335 beds of PBSA will make a sizable contribution towards the overall housing targets and meeting the aims of policy B1(7) to enable new off-campus student accommodation subject to policy B5, thereby facilitating growth in the overall number of students whilst avoiding growth of the student lettings market.

Recent appeal decisions within the city (Plumb Centre, ref: 18/05047/FUL) have indicated that the provision of PBSA may result in the freeing-up of HMO accommodation, but the evidence for quantifying this effect remains unclear. Nevertheless, the provision of PBSA is a benefit of the scheme which will reduce the pressure on the HMO market.

### *Economic benefits*

The application proposals would bring about various economic benefits which are set out in the economic benefits statement submitted with the application. In summary, the proposals would generate a net increase in jobs on the site (23 additional compared to the car showroom business) and would introduce an additional population of economically active residents which would contribute towards the local economy. It would also generate a significant amount of construction jobs for the duration of the build and provide opportunities for targeted recruitment and training (see planning obligations section below).

The BTR dwellings would also significant generate CIL payments which could be used to fund infrastructure and projects in the wider community. However, it should be noted that the PBSA which is usually charged at a rate of £200per sqm in the rest of the city falls within the Bath Western Riverside application area which has a zero CIL rating. This means that the proposed PBSA will provide no CIL payment. The commercial units are also zero rated and exempt from CIL payments.

The mix of uses provided will also enhance the activity, vitality and viability of the area through the increases in pedestrian footfall.

### *Regeneration of underutilised site and sustainable location*

The proposals would regenerate and redevelop an existing brownfield site. In accordance with paragraph 118 of the NPPF, it is acknowledged that substantial weight should be given to the value of using suitable brownfield land within settlements for new homes and other identified needs.

The site is also located in a broadly sustainable location with good proximity to the city centre and range of services and transport options.

The proposals would also introduce well-designed buildings of an appropriate height, scale and massing which will result in the enhancement of the public realm and the streetscape.

### *Connection to BWR and other planning obligations*

The proposed development would secure a new pedestrian and cycle route connection through to the development land to the north. This is a welcome benefit of the scheme which will improve the permeability and connections throughout the allocation. This matter would need to be secured as part of a s106 agreement.

However, it should be noted that given the requirements of policy SB8(6) for the development to consistent with and contributes to the delivery of the comprehensive development across the allocation it is something that would be expected of any scheme which were to come forward on this site. Furthermore, the land to the north is not dependent upon this connection coming forward to enable development to go ahead.

The scheme would also be subject to several planning obligations secured via a s106 agreement which would provide several further public benefits. The provision of improved facilities for walking, cycling and public transport, although primarily required to mitigate the impacts of the development, would have the benefit of providing upgraded infrastructure which can also be utilised by non-residents. The stopping up an existing access off Windsor Bridge Road is also considered to be beneficial to highway safety.

### *Sustainability, climate change and biodiversity*

The proposals would provide exceed the 19% reduction in carbon emissions target set out in policy CP2, would provide on-site renewable energy generation and would provide 20% of its parking spaces with active electric vehicle (the remaining 80% would be provided with passive provision and 10% of its total cycle parking spaces with electric bike charging points.

The proposals also provide landscape and biodiversity enhancement through the provision of number of swift boxes on the buildings, additional tree planting (net increase of 37 trees on the site) and a long-term management of the site.

### *Public benefits conclusion*

The proposals would provide compelling set of public benefits which, individually and cumulatively, can be afforded significant weight.

## 18. OTHER MATTERS

### *s106 Agreement*

Any grant of planning permission would need to be subject to a s106 agreement to secure the following obligations and contributions:

1. Highways Works

- a. Upgrade pelican to toucan crossing on Lower Bristol Road (adjacent Midland Road junction)
- b. Improve footways on site frontage
- c. Improve bus stop with bus kerbs on site frontage
2. Secure the pedestrian and cycle connection from Lower Bristol Road to adjacent land to the north
3. Upgrade street lighting contribution £12,500
4. Upgrade cross on Lower Bristol Road/Windsor Bridge Road junction £181,053.77
5. Parks and green space contribution £513,838
6. Fire hydrant contribution £4,500
7. Targeted recruitment and training obligations and contribution £26,620
8. 30% affordable housing (Discount market rent with 50% of those at 60% the level of open market rent and 50% at 80% the level of open market rent;)
9. Connection to district heat network (if available)
10. Provision of two car club spaces

The applicant has agreed to all the above except for the full amount of the Parks and green space contribution and (see parks and green space section above).

#### *Public Sector Equality Duty*

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposals do not raise any particularly significant issues in respect of equalities duty, but a couple of points are noted.

The proposals would likely introduce a large population of young people into the area and there are concerns that this may result in an increase in anti-social behaviour or community cohesion. However, the scheme does include 24hr on-site management of the student blocks and this would be secured by condition.

Elderly, disabled and otherwise vulnerable residents in the local area are likely to be reliant on public transport and there is concern that bus services will be put under pressure with the any additional student residents. However, the bus services are operated commercially with frequencies and capacities being adjusted by the operators depending on demand. The proposal is therefore unlikely to have a significant impact.

#### 19. PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".

The application proposals have been found to have a significant deficit in parking compared to the parking standards set out in policy ST7. The proposals would also fail to meet the average parking ratios set out in the BWR SPD Design Codes. Even after applying sensitive and flexible approach to the appropriate level of discount based upon the accessibility assessment and taking account of the package of improvements to

walking, cycling and public infrastructure, there is little evidence to suggest that the actual parking demand will be as low as 0.31 spaces per dwelling.

The proposals therefore have a deficit of 272 vehicle parking spaces against the discounted parking standards in policy ST7 or a deficit of 119 vehicle parking spaces against the BWR SPD Design Codes ratio. In both cases, this represents a substantial shortfall which will very likely lead to overspill parking on the surrounding streets which have limited parking controls and where on-street parking stock is limited and existing demand is known to be high.

In turn this may lead to inconsiderate and/or unsafe parking in the surrounding area to the detriment of highway safety and local residential amenity contrary to policy ST7 of the Placemaking Plan, the BWR SPD Design Codes and the Parking Strategy.

Considerations in favour of the application (full list in public benefits section above) include:

- o Provision of 316 BTR apartments which contribute towards meeting housing targets
- o Provision of 335 beds of PBSA which contribute towards meeting housing targets
- o Contribution towards 5 year land supply
- o Economic benefits associated with the construction and operational phases of development
- o Regeneration and redevelopment of an underutilised site
- o The site's sustainable location
- o Pedestrian/cycling connection to development land to the north
- o Improved facilities for walking, cycling and public transport
- o Biodiversity net gain and landscape enhancements
- o Improved public realm and townscape
- o Sustainable construction and renewable energy benefits

It is necessary to consider whether the proposals are consistent with the development plan as a whole.

Many of the matters in favour of the proposals align with aspects of the spatial strategy for Bath (as expressed in B1), for example by enabling the development of new homes in the Enterprise Zone (B1.3.a.), generating some additional jobs (B1.2.a), facilitating growth in the overall number of students whilst avoiding growth of the student lettings market (B1.7.a), providing improvements to walking, cycling and public transport (B1.10.a) and preserving the historic environment and environmental quality (policies CP6 and B4).

However, the identified parking deficit represents a very significant conflict (in terms of nature and degree) with the spatial strategy's requirement to implement the adopted parking strategy (Policy B1.10.c) and the potential harm arising to highways safety and residential amenity is significant.

It is considered that the current proposals are contrary to the development plan as a whole and that material considerations do not indicate that permission should be granted.

## 20. CONCLUSION

The proposed development has a substantial shortfall in vehicle parking compared to the minimum parking standards in policy ST7 and the average parking ratios in the BWR SPD Design Codes. Whilst the proposed scheme does provide improved facilities for walking, cycling and public transport this would not achieve the significant modal shift that would be required to make the level of proposed off-street, car parking provision acceptable.

There is limited compelling evidence that the generated parking demand would be considerably less than suggested by policy ST7 or the BWR SPD and emerging policy which may result in alterations to the parking standards can only be given limited weight. Whilst the Climate Emergency should be given significant weight, it is difficult to translate this into a justified and quantifiable substantial reduction to the current adopted parking standards.

The proposal is therefore considered to be contrary to the development plan and material considerations, in this case, do not indicate that the planning permission should be granted.

The application is therefore recommended for refusal.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

### **1 Parking**

The proposed development fails to provide an adequate level of off-street parking. Consequently, it would result in an increase in on-street parking in the vicinity of the site and would adversely affect highways safety and residential amenity. As such, the application is contrary to the adopted Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan, in particular policies B1 and ST7 of the Core Strategy.

## **PLANS LIST:**

### **1 PLANS LIST**

20002-BCA-A1-ZZ-DR-A-06005 P02	BLOCK 1 - STREET SECTIONS 003
20002-BCA-A1-ZZ-DR-A-06008 P03	BLOCK 1 - STREET SECTIONS 001 + 002
20020-BCA-A1-ZZ-DR-A-05003 P01	BLOCK 1 - SOUTH FACING ELEVATIONS
20020-BCA-A1-ZZ-DR-A-05005 P07	BLOCK 1 - SOUTH FACING ELEVATIONS
20020-BCA-A1-ZZ-DR-A-05006 P07	BLOCK 1 - NORTH FACING ELEVATIONS
20020-BCA-A1-ZZ-DR-A-05007 P08	BLOCK 1 - EAST FACING ELEVATIONS
20020-BCA-A1-ZZ-DR-A-05008 P08	BLOCK 1 - WEST FACING ELEVATIONS
20020-BCA-A1-ZZ-DR-A-06006 P03	BLOCK 1 - SECTIONS 001 + 002
20020-BCA-A1-ZZ-DR-A-06007 P03	BLOCK 1 - SECTIONS 003
20002-BCA-A1-ZZ-DR-A-06011 P03	BLOCK 2 - STREET SECTIONS 001 + 002
20020-BCA-A2-00-ZZ-DR-A-05009 P06	BLOCK 2 - SOUTH FACING ELEVATION
20020-BCA-A2-00-ZZ-DR-A-05010 P06	BLOCK 2 - NORTH FACING ELEVATION

20020-BCA-A2-00-ZZ-DR-A-05011 P11 BLOCK 2 - EAST FACING ELEVATION  
 20020-BCA-A2-00-ZZ-DR-A-05012 P10 BLOCK 2 - WEST FACING ELEVATION  
 20020-BCA-A3-ZZ-DR-A-06009 P04 BLOCK 2 - CROSS SECTIONS  
 20020-BCA-A3-ZZ-DR-A-06010 P03 BLOCK 2 - LONG SECTIONS  
 20002-BCA-A3-ZZ-DR-A-05015 P06 BLOCK 3 & 4 - EAST ELEVATIONS  
 20002-BCA-A3-ZZ-DR-A-05016 P05 BLOCK 3 AND 4 - WEST ELEVATIONS  
 20002-BCA-A1-ZZ-DR-A-05013 P05 BLOCK 3 & 4 - SOUTH ELEVATIONS  
 20002-BCA-A1-ZZ-DR-A-05014 P05 BLOCK 3 & 4 - NORTH ELEVATIONS  
 20002-BCA-A3-ZZ-DR-A-06013 P03 BLOCK 3 & 4 - SOUTH SECTIONS  
 20002-BCA-A3-ZZ-DR-A-06015 P04 BLOCK 3 & 4 - EAST SECTIONS  
 20020-BCA-XX-01-DR-A-04001 P20 GROUND FLOOR PLAN  
 20020-BCA-XX-01-DR-A-04002 P15 FIRST FLOOR PLAN  
 20020-BCA-XX-01-DR-A-04003 P14 SECOND FLOOR PLAN  
 20020-BCA-XX-01-DR-A-04004 P13 THIRD FLOOR PLAN  
 20020-BCA-XX-04-DR-A-04005 P13 FOURTH FLOOR PLAN  
 20020-BCA-XX-05-DR-A-04006 P13 FIFTH FLOOR PLAN  
 20020-BCA-XX-08-DR-A-02001 P03 ROOF HEIGHTS PLAN  
 20020-BCA-XX-08-DR-A-04009 P11 ROOF PLAN  
 20020-BCA-XX-ZZ-DR-A-05001 P05 LONG SITE ELEVATIONS  
 3598 101F LANDSCAPE LAYOUT SHEET 1 OF 2  
 3598 102F LANDSCAPE LAYOUT SHEET 2 OF 2  
 20157-DLS-JUBB-V1-ZZ-DR-C-0499 P03 EXISTING LAYOUT AND RUN OFF RATES  
 20157-DLS-JUBB-V1-ZZ-DR-C-0500 P04 DRAINAGE STRATEGY LAYOUT  
 20020 - BCA - XX - 00 - DR - A - 01001 S3 P3 SITE LOCATION PLANNING  
 20020 - BCA - XX - 00 - DR - A - 01003 S3 P3 SITE LOCATION PLANNING  
 BCA-XX-ZZ-DR-A-09053 P1 EXISTING BMW GARAGE AREA DRAWING  
 BLOCK 3 & 4 TYPICAL MATERIAL STUDY 01  
 BLOCK 3 & 4 TYPICAL MATERIAL STUDY 02

## **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 Framework. The Council has worked positively and proactively with the applicant to seek to resolve the issues identified. However, for the reasons given, and expanded upon in a related case officer's report, no agreeable solution could be found, and the application has been recommended for refusal.

## **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. 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](http://www.bathnes.gov.uk/cil)

**Item No:** 02  
**Application No:** 21/01646/FUL  
**Site Location:** 3 Barrow View Timsbury Road Farmborough Bath Bath And North East Somerset



**Ward:** Clutton And Farmborough      **Parish:** Farmborough      **LB Grade:** N/A  
**Ward Members:** Councillor Sally Davis  
**Application Type:** Full Application  
**Proposal:** Erection of first floor side extension  
**Constraints:** Clutton Airfield, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,  
**Applicant:** Mr And Mrs Dennis And Catherine Taylor  
**Expiry Date:** 3rd August 2021  
**Case Officer:** Isabel Daone  
To view the case click on the link [here](#).

## REPORT

The application refers to a semi-detached dwelling located outside of the Housing Development Boundary and within the Green Belt.

Planning permission is sought for the erection of a first-floor side extension.

The application was referred to the Chair and Vice Chair of the Planning Committee given the support of the Parish Council and an indication at pre-application that the application would be supported if a full application was forthcoming. This was contrary to the officer's recommendation. Both the Vice Chair and Chair decided that the application should go before the Planning Committee.

At the planning committee on 30th June, information was given by the agent to challenge the volume calculations by the case officer. These had not been seen before the recommendation was made and in light of this, the application was deferred to the July committee so that the case officer could consider the new information. The recommendation has changed from refusal to approval in light of this new information.

Relevant Planning History:

05/01035/FUL  
PERMIT - 10 May 2005  
Single storey rear extension

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

FARMBOROUGH PARISH COUNCIL:

At the meeting held last night of the Farmborough Parish Council the Council voted to SUPPORT this application with the following comments:  
All materials used must be similar in appearance to the existing house.  
Volumes to be checked by BANES planning department.

Representations Received :

None received

## **POLICIES/LEGISLATION**

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

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

Core Strategy:

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

CP6: Environmental Quality  
CP8: Green Belt  
DW1: District Wide Spatial Strategy  
SD1: Presumption in favour of sustainable development

#### Placemaking Plan:

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

D1: General urban design principles  
D2: Local character and distinctiveness  
D3: Urban fabric  
D5: Building design  
D6: Amenity  
GB1: Visual amenities of the Green Belt  
GB3: Extensions and alterations to buildings in the Green Belt.

#### National Policy:

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

#### SPD's:

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

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

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

#### **OFFICER ASSESSMENT**

##### PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The application site is outside of the housing development boundary and within the Green Belt. Paragraphs 145 and 146 of the National Planning Policy Framework (NPPF) discuss the forms of development which are not considered to be inappropriate forms of development within the Green Belt. One such exception is 145(c) which states that extensions and additions to existing buildings within the Green Belt will not be considered inappropriate so long as the addition does not result in a disproportionate addition over and above the original building. This is echoed by Policy GB3 of the Bath and North East Somerset Placemaking Plan.

During the planning committee meeting on 30th June, the Agent for this application presented new information to dispute the case officer's volume calculations which were used to assess the impact of the proposal on the Green Belt. This information was not made available to the case officer before the committee meeting and the case officer was therefore unable to consider it. Given this, the Councillors at the committee decided that the application should be deferred until the following committee so that the case officer could consider the new information.

The Agent for the application has submitted additional information to demonstrate what constituted the original dwellinghouse in 1948. This includes a floor plan to show that some of the lean-to rear projection was part of the original building. No elevation drawings have been provided with these plans. The Agent has also provided volume calculations which are as follows:

Original dwelling: 386m<sup>3</sup>

Existing extensions: 110m<sup>3</sup>

Proposed extension: 41m<sup>3</sup>

Total extensions 151m<sup>3</sup>.

The above therefore equates to a 39% increase over and above the original dwelling. The case officer has used the new information to check the volumes given above. Although it is difficult to fully assess the rear element, given that no elevation drawings of the original dwelling have been provided, in the absence of information to challenge the above and the other measurements on site the case officer considers that the volume calculations above are likely correct.

The proposal therefore equates to an increase of 39%. The "Existing Dwellings in the Green Belt" Supplementary Planning Document (SPD) (2008) states that when assessing whether an addition is proportionate, the volume of the addition over the volume of the original building will be assessed. Generally, additions of around a third of the volume of the original dwellinghouse are considered acceptable.

An increase in volume of 39% is on the cusp of what can generally be considered "around a third" as detailed in the SPD. The case officer has therefore given careful consideration to whether the proposal would have a detrimental impact on the openness of the Green belt in this location. The application site is located within a rank of houses which form a line of built form in this location. The proposed extension will be attached to the existing built form and is subservient to the host dwelling. There will still be a degree of separation between the host and neighbouring dwelling which will help to maintain openness on this location.

In light of the new information, which was not available to the case officer prior to committee and was therefore not previously assessed, it is considered that the proposed extension represents a proportionate addition to the dwelling which would not harm the openness of the Green Belt in this location.

The proposal accords with policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

#### CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The proposal is for a first-floor extension to the side of the property. The proposed extension will have a gable end, with a small dormer to the frontage. No.3 is one of a pair of semi-detached properties. Its neighbour has a similar extension. It is therefore not considered that the provision of a first-floor extension would upset the visual balance of these properties. Subject to the matching materials, officers consider that the design of the proposal respects the character of the host dwelling given its subservience and overall design and the character of the locality.

#### RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

#### HIGHWAYS SAFETY AND PARKING:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

The proposal will not result in an increase in the number of bedrooms at the property which will remain at 3. There is sufficient parking for 2 vehicles at the site which is acceptable.

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.

#### 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.

## CONCLUSION:

In light of the new information presented to the case officer after the Committee on 30th June, the proposal is now considered to comply with the relevant policies and is recommended for approval.

## RECOMMENDATION

PERMIT

## CONDITIONS

### 1 Standard Time Limit (Compliance)

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

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

### 2 Materials (Compliance)

All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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.

### 3 Plans List (Compliance)

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

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

## PLANS LIST:

1 This decision relates to the following plans:

- 02 Survey Plans
- 03 Survey Elevations
- 04 Proposed Plans
- 05 Proposed Elevations
- Block Plan

All received 6th April 2021

## **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](http://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](http://www.bathnes.gov.uk/cil)

## **5 Responding to Climate Change (Informative):**

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

**Item No:** 03  
**Application No:** 21/02166/FUL  
**Site Location:** Upper Flat 135 Wells Road Lyncombe Bath Bath And North East Somerset



**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 of an upper 4 bedroom flat (Use Class C3) to 5 bedroom 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, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

**Applicant:** Mr Richard Bennett

**Expiry Date:** 5th July 2021

**Case Officer:** Ben Burke

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

## REPORT

This application seeks planning permission for a change of use from a single residential dwelling (Use Class C3) to a small-scale house in multiple occupation (HMO) falling under Use Class C4, which allows for 3-6 unrelated persons living together and sharing basic amenities. An attached external storage building adjoining the northern elevation is proposed to be utilised for cycle storage and bins are proposed to be located adjacent to the north elevation.

Relevant Planning History:

DC - 96/00002/FUL - AP - 28 April 1998 - Construction of a hard standing at the rear.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### Highways and Traffic:

The change of use, and associated increase in the number of bedrooms from four to five, 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 controlled by permit (Permit Parking Zone 4).

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 one bedroom 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 and Advisory being attached to any planning permission granted

### Environmental Protection Team:

No comment.

### Representations:

8 Objections and 1 Support comment received.

### Support:

The property is very large and has a substantial garden;  
there is a serviced bin store outside so bins and rubbish are not left on the road;  
garden is well maintained;  
space available for the parking of three cars; and  
no parking permits will be provided resulting in no effect on street parking.

### Objections:

#### Principle:

Concern about increasing number of HMOs in area;  
Purpose Built Student Accommodation (PBSA) is resulting in more rather than less HMO conversions and loss of family houses;  
changing a 4 bedroom family flat into a 5 bedroom HMO constitutes overdevelopment and overcrowding;  
HMOs introduce a transient population;  
C4 HMO restriction of 6 persons often exceeded [this is an HMO licence and planning enforcement matter and not relevant to the consideration of this application. Such perceived breaches can be reported to the Council];  
properties within area are being used as air bnbs [air bnbs are lawful in planning terms if compliant with the lawful use of the property concerned, whether C3 or C4. Breach of this is an HMO licence and planning enforcement matter]; and  
there is no Council compliance control of HMOs [this is a HMO licence and planning enforcement matter].

#### Amenity:

Kitchen is of an inadequate size for 5 persons [the size of the kitchen appears to be adequate, but this is not a matter for this application as the council does not have a planning policy concerning minimum space standards. This may be considered under the HMO licence];  
HMOs result in noise, disturbance and litter/mess;  
direct link between HMOs and unsatisfactory management of refuse and recycling;  
there is rubbish and food waste littering the street after collections;  
rubbish and food waste from HMOs results in rat infestations;  
issue with dumping of waste at end of term;  
further HMO would result in a reduction in amenity value and community cohesion;  
HMO gardens are poorly maintained; and  
proposal is harmful to variety of properties on the street.

#### Parking:

Significant parking pressure within area.

#### Widcombe Association:

WA objects to the application;  
concern about gradual reduction in the number of properties available for family accommodation and the impact of this on the character of this part of Bath;  
the Council's policy on limitation of HMOs has been under pressure and should be maintained and strengthened; and  
the application conflicts with HMO policy given existing HMO numbers and other accommodation catering for transient population within the area.

#### **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)

- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- Neighbourhood Plans

## RELEVANT CORE STRATEGY POLICIES

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

B4: The World Heritage site and its Setting

## RELEVANT PLACEMAKING PLAN

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

D.6: Amenity

ST7 Transport access and development management

HE1 Historic Environment

H2 Houses in Multiple Occupation

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

Houses in Multiple Occupation in Bath Supplementary Planning Document (SPD), November 2017

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

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

## LEGAL FRAMEWORK

Town and Country Planning Act, 1990

Conservation Areas:

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

## LOW CARBON AND SUSTAINABLE CREDENTIALS

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

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF DEVELOPMENT**

The City of Bath is covered by an Article 4 Direction and any change of use from residential (C3) to HMO (C4) now requires planning permission. 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 in Bath 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.

The above assessment will be applied to the site:

Criterion 1:

It has been confirmed through a Geographic Information System (GIS) search that the property is not 'sandwiched' between other HMO certified properties and so the proposal passes criterion 1.

Criterion 2:

Stage 1 test

It has been confirmed through a Geographic Information System (GIS) search that the property is located within a Census Output Area in which HMO properties represent more than 10% of households. The stage 1 test area is updated on a quarterly basis, the latest update occurred in February 2021 and this data has been taken into consideration. As stage 1 is not passed then stage 2 needs to be considered.

#### Stage 2 test

The stage 2 test shows that within a 100 metre radius of the property there are currently 86 residential properties of which 8 are HMOs or 9.3% of households. Together with the proposal (9/86) this would amount to 10.465%. The proposal is border line as to whether it complies with this part of the criteria being 0.5% beyond the 10% limit. As such, the proposal needs to be considered against the remaining 5 criteria of policy H2 of the Placemaking Plan with the overall planning balanced then being assessed.

#### ii Character and Appearance

The property falls within a largely suburban residential area. The dwelling is a large Victorian semi-detached property divided into two flats with a spacious garden and extensive separation distance from 133 Wells Road and Glencrest located beyond no.137. There is a transition in density along the Wells Road when moving away from the centre. At the lower end there are dense terraced dwellings which transition to spacious semi-detached properties in the immediate vicinity of the application property on the same side of Wells Road and further to the south on Wells Road. Beyond the 100m site radius there is a cluster of HMO properties to the east on the south side of Wells Road (77-117). With regards to uses the site immediately adjoins C3 Use Class residential properties. However, there are three HMOs on the other side of the road, one of which is set back from the road. There is a hotel on the opposite side of Haysefield Park and two B&Bs at 102-104 Wells Road. No external alterations are proposed to the building so its physical appearance would not be affected. Given this, and the property mix within the locality it is not considered that the proposal would be harmful to the character and appearance of the area.

#### iii Amenity of adjoining residential properties:

Given the substantial size of the property and garden the proposed HMO would be self-contained with its own access, garden, and refuse/recycling and cycle storage situated within the site. The large garden provides an extensive separation distance from 133 Wells Road (14m at closest point) and Glencrest located beyond no.137 (18m at closest point). This separation distance and substantial screening from mature trees and vegetation within the site will mitigate any potential impact on neighbours in respect of noise, privacy and disturbance. Should future tenants cause unacceptable and unreasonable noise disturbance, neighbours would be able to report the matter to the Council's Environmental Protection Team. This team would assess whether the impacts were sufficient to act against the tenants. However, it cannot be assumed that all HMO tenants will be unneighbourly and cause noise, nuisance and disturbance.

#### iv Severe transport impact

As advised by Transport Development Control (TDC): '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'. Moreover, TDM has advised that future residents will not be entitled to residents parking permits in accordance with Single Executive Member Decision E2911, due to the number of existing permits exceeding the supply of parking spaces within the Controlled Parking Zone. As such, occupants would not be able to park on the street in any case, resulting in no impact on existing parking pressures locally.

Despite this, three new parking spaces are proposed at the rear of the site, providing sufficient spaces to meet the needs of future occupant.

The proposal will therefore not result in a severe transport impact.

v mixed and balanced community

The 100m radius from the site contains mostly C3 residential properties of varying size and type, the most prevalent being both semi-detached and detached dwellings with medium to large gardens, and terraced dwellings. However, 10.5% of these properties are HMO and there are 2 B&B's and 1 hotel.

The current dwelling is a C3 use class 4-bed property that could be occupied by a family, couple, two unrelated person or one person. Therefore, it would not necessarily be occupied by a family. Given the mix of properties within the area it is not considered that the loss of this C3 flat would result in an unacceptable loss of accommodation within the locality, in terms of mix, size and type detrimental to the maintenance of mixed and balanced communities.

vi prejudices commercial ground floors

This criterion is not applicable.

On the basis of the above, the proposal is fully compliant with the remaining five criteria of policy H2. The overall planning balance of the application will be considered in the conclusion.

## CONSERVATION AREA

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

In this case, as the proposal does not involve any external changes the proposal would 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).

## 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, as the proposal does not involve any external changes 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).

## CONCLUSION

The proposal, resulting in 10.465% (10.5%) of properties being HMOs, is boarder line in terms of compliance with the stage two test of the second criterion of the HMO SPD which has a limit of 10%. As such, the proposal has been comprehensively assessed against the other five criteria of policy H2 of the Placemaking Plan. This has demonstrated that the proposed HMO is compatible with the character and amenity of adjacent uses; would not significantly harm the amenity of adjoining residents, result in severe transport impacts, or be harmful to the mix and balance of dwelling types and sizes in the locality. Consequently, the proposal is fully complaint with the remaining five criteria. It is therefore considered that the proposal is, on balance, compliant with policy H2 and the Houses in Multiple Occupation in Bath SPD (2017) as the figure is so close to 10% and the proposal is fully compliant with the other five criteria.

It is therefore recommended that the application be approved.

## RECOMMENDATION

PERMIT

## CONDITIONS

### 1 Standard Time Limit (Compliance)

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

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

### 2 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least four bicycles has been provided in accordance with details which have been submitted to and approved inwriting by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

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

### 3 Plans List (Compliance)

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

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

## **PLANS LIST:**

1 This decision relates to the following approved drawings:

04.05.2021, D2, Existing and Proposed First Floor Plan  
04.05.2021, D3, Existing and Proposed Second Floor Plan  
04.05.2021, D4, Existing and Proposed Ground Floor Plan  
04.05.2021, D1, Block Plan  
04.05.2021, SK1, Location Plan

## **2 Permit/Consent Decision Making Statement**

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

## **3 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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

**Item No:** 04  
**Application No:** 21/01752/FUL  
**Site Location:** Royal National Hospital For Rheumatic Diseases Upper Borough Walls City Centre Bath Bath And North East Somerset



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

**Proposal:** Change of use from hospital (Use Class C2) to 160 bedroom hotel (Use Class C1) and ancillary functions; external alterations to East Wing roof including removal of lift room and flue, demolition and replacement of roof top plant area and extension to existing pitched roof, demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area, removal of modern external staircase to rear of West Wing, demolition and replacement of third storey extension to West Wing, alterations to the roof of West Wing including new lift shaft and plant screen, bridge link to new three storey rear extension to West Wing, and associated landscaping and public realm works.

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Agricultural Land Classification, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

**Applicant:** Fragrance UK (Bath) Ltd  
**Expiry Date:** 12th July 2021  
**Case Officer:** Tessa Hampden

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

## **REPORT**

### Reasons for referring the application to committee

This application has been called to committee by Councillor Furse due to the fact the application remains a significant application within the world heritage site and conservation area, it is of significant public interest and has generated a large number of objections.

### Site description and proposal

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

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

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

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

Whilst the principal elevations, established in two separate buildings; the east and west wings, front directly onto Upper Borough Walls, the east wing also forms part of Union Street to the east and to the south the west wing faces onto a garden within a defined courtyard. This area of land is designated as a Scheduled Ancient Monument and also identified as an important open space within the conservation area. To either side of the hospital's perimeter, running south off Upper Borough Walls, are two narrow lanes reminiscent of their probable medieval origins, Parsonage Lane and Bridewell Lane. Both these streets act as physical barriers to the hospital's curtilage and are lined in part by a series of buildings and masonry walls. Within this space is the hospital lodge, lining Bridewell Lane and an electric sub-station that fronts onto Parsonage Lane.

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

The application seeks planning permission the change of use from hospital (Use Class C2) to 160 bedroom hotel (Use Class C1) and ancillary functions; external alterations to East Wing roof including removal of lift room and flue, demolition and replacement of roof top plant area and extension to existing pitched roof, demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area, removal of modern external staircase to rear of West Wing, demolition and replacement of third storey extension to West Wing, alterations to the roof of West Wing including new lift shaft and plant screen, bridge link to new three storey rear extension to West Wing, and associated landscaping and public realm works.

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

The application is a resubmission of an earlier application which was refused for the following reasons:

1 The proposed rear extension in this backland location, due to the unacceptable scale and mass of the development results in a development that fails to respond to the character and quality of the surrounding townscape. The development is therefore considered to be contrary to Policy D4 and D7 of the Bath and North East Somerset Placemaking Plan.

2 The proposed development, due to the unacceptable scale and bulk of the proposed rear extension is considered to result in unacceptable harm to the residential amenity of the neighbouring residential properties at Parsonage Lane. The development is therefore contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan.

3 The proposed rear extension, due to the loss of the trees and the development within the garden area, fails to contribute positively to biodiversity gain. The development is therefore contrary to policy D4 and NE5 of the Bath and North East Somerset Placemaking Plan.

#### Planning history

19/04933/FUL - Refused - 25 September 2020 - Change of use from hospital (Use Class D1) to 164 - bedroom hotel (Use Class C1) and 66 sq m of restaurant/café (Use Class A3); to include publicly accessible restaurant, health spa, bar, lounge/meeting spaces at ground and first floor; external alterations to East Wing roof including removal of lift room and flu, demolition and replacement of roof top plant area and extension to existing pitched roof; demolition and replacement of modern infill development to south elevation

and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area; removal of modern external staircase to rear of West Wing and replacement infill development and glazed link to new extension; demolition and replacement of 3rd storey extension to West Wing; alterations to the roof of West Wing including new lift shaft and plant screen; erection of 3.5-storey extension to rear of West Wing with glazed link/conservatory space; removal of two trees and replacement tree planting; landscaping and associated works.

Appeal registered for the above application July 2021

19/04934/LBA - Refused - 25 September 2020 - Listed Building Consent: Internal and external alterations associated with proposed conversion to hotel (Use Class C1); demolition and replacement of modern infill extension, new glazed roof and new infill development of northern elevation to internal courtyard of East Wing; alterations to the roof of east and West Wings; removal of external staircase to West Wing and replacement with glazed link to new extension and replacement infill development; abutment of new glazed structure with West Wing chapel south wall; demolition and replacement of 3rd floor extension to West Wing and additional plant screen and lift overrun to West Wing roof; partial demolition of the boundary wall on Parsonage Lane; construction of replacement glass screen to main internal ground floor lobby of West Wing; changes to internal layout and consequential changes to internal partitions and other fabric

Appeal registered for the above application - July 2021

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Summary of Consultation/Representations:

Contaminated Land - no objection subject to conditions

Drainage - no objection subject to conditions

Avon and Somerset Police - No objection

Environmental Protection - no objection subject to conditions

Economic Development - no objection

Highway Development - no objection subject to condition

Planning Policy - no objection to the principle of development

Arboricultural Officer - no objection subject to conditions and tree replacement planting

Ecology - no objection subject to conditions

Archaeology - no objection subject to conditions

Conservation/Listed Buildings - no objection subject to conditions

Historic England - Historic England does not object to the scheme, we recognise that the level of harm being caused has been minimised as far as possible. BaNES Council must ensure that the harm is justified against the public benefit and the potential for alternative uses of the site.

Cllr Furse - I request committee determination on the grounds that it remains a significant application within the world heritage site and conservation area, it is of significant public interest and has generated a large number of objections.

Recognising that heritage access is to be permitted as a hotel, it will generate employment and permit access to an important heritage building in Bath's history and access to the Roman mosaic. However, I remain concerned over the extension's bulk especially its proximity to neighbours and the impact of loss of light and imposing impact, affecting these residents current residential amenity in Parsonage Lane

Bath Preservation Trust - Support the application. The scheme is much-improved, and supportive of the revisions made to the design of the extension with regards to its reduced height, scale, and massing, and use of materials.

The Abbey Residents Association - acknowledge that the applicant has made a serious attempt to address issues relating to the proposed extension. The current proposal provides a reasonably convincing solution to the problems previously identified. There are two outstanding matters

1. Benefit to the community. The opportunity to incorporate a publicly accessible open space has been missed. The 'glimpse' of the proposed garden from Bridewell Lane and to a lesser extent from Parsonage Lane, is not good enough. There should be a small urban park for general use

In addition, there should be increased emphasis on planting and bio diversity in this space.

2. Accessibility. In the context of the city centre security zone access by guests by car and taxi appear unworkable.

468 objection comments and 14 general comments have been received. These can be summarised as follows:

- Lack of publication/consultation
- The new proposal does not address the concerns raised by the initial application
- Local Plan does not support any more luxury hotels, and the total number of hotel room numbers in the Local Plan have already been exceeded
- Further hotels creates unfair competition for those already struggling for business.
- There are more appropriate uses such as affordable housing, museum, community building.
- The building must remain accessible to the public
- The building should be community owned
- It would damage an historically important Listed Building for little or no benefit to the local community.
- There are no public benefits associated with the development/no benefits that outweigh the harm
- Development is illegal if harm is found to the listed building without overwhelming public benefit

- Objections to loss of green space and trees/loss of green lung in an urban area
- Resultant impact on biodiversity/ecological implications
- Disagreement with the biodiversity net gain figures
- Conflicts with climate and ecological emergency
- Development results in an increased carbon footprint
- The proposed extension proposed is too large and imposing.
- The extension design is unacceptable and will impact upon the setting of the listed building, conservation area and world heritage site.
- Resultant negative impact upon residential amenity of neighbouring occupiers. Including the fact it would block out view of the sky and natural light for those residents living directly behind in Parsonage Lane.
- Noise and disturbance during operation
- Loss of reflected light and dark of roof the new building would further impact upon light received.
- The building would have an overbearing impact, lose openness and would mean residents being completely surrounded with high buildings.
- Detrimental effect on the health of local residents resulting from the development.
- Development would result in further traffic congestion in narrow streets
- Extra traffic will worsen air pollution
- Parking is not adequately considered.
- The street is too small to cope with the amount of traffic and people it will generate
- Development will detract from the ambience of the city
- Object to the loss of the turret staircase
- The historic nature of the building, including the Roman mosaics needs to be preserved for future generations and made accessible
- The inclusion of a spa means that hotel visitors will not be contributing to the council by using Thermae Bath Spa
- Case law clearly shows that the application is not within the statutory requirements, and this alone is sufficient reason to reject the application
- The design including the revised bulk and massing, detailing and materials is overbearing and out-of-scale
- Archaeological remains and features may be damaged
- Legal arguments with regards to why this hotel use and any harm to the listed building is unacceptable.
- More impact on CAZ.
- Overdevelopment of this sensitive site in the heart of our city
- The nature of the extension does not fit with the architectural style of the original buildings
- Conflicts with advice in Historic England's The Setting of Historic Assets
- Issue resulting from construction work including a large carbon footprint and noise and disturbance and impact upon local businesses
- Objections to the proposed destruction of the old therapeutic garden
- Ecological implication including impacts on a huge variety of birds, insects, moths, bees and bats. Which part of the word
- The greenery helps absorb pollution.
- The development offers inadequate contributions to BaNES's net zero target.
- Lack of supporting infrastructure
- Level of drop offs needs to be understood
- Poor disability access

8 supporting comments. These can be summarised as follows:

- This building needs to be kept and maintained  
Buildings of this size and magnitude cannot be allowed to fall into disrepair
- Most objections suggest other unrealistic and uncosted uses
- Development responded to previous reasons for refusal
- Other viable uses would offer virtually no general-public access, which would be a considerable loss both to residents of Bath and to visitors to the city.
- it will create quality jobs in the city and bring revenue to other retailers as well as the council in the form of business rates.
- No one knows future hotel demand
- Important to gain investment in the city
- Iconic building becoming an attractive high quality hotel

### **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

### **RELEVANT CORE STRATEGY POLICIES**

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

- SD1 Presumption in favour of Sustainable Development
- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B2 Central Area Strategic Policy
- B4 World Heritage Site
- CP1 Retrofitting existing buildings
- CP2 Sustainable Construction
- CP3 Renewable Energy
- CP4 District Heating
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP10 Housing Mix
- CP12 Centres and Retailing
- CP13 Infrastructure Provision
- BD1 Bath Design Policy

### **RELEVANT PLACEMAKING PLAN POLICIES**

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

- SCR1 On-site Renewable Energy Requirement
- SCR2 Roof mounted/Building-integrated Scale Solar PV
- SCR5 Water Efficiency
- SU1 Sustainable Drainage
- D1 General Urban Design Principles
- D2 Local Character and Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D6 Amenity
- D7 Infill and backland development
- D8 Lighting
- D10 Public Realm
- HE1 Historic Environment
- NE1 Development and Green Infrastructure
- NE2 Conserving and enhancing the landscape and landscape character
- NE2A Landscape Setting of Settlements
- NE3 Sites, species and habitats
- NE4 Ecosystem services
- NE5 Ecological Networks
- NE6 Trees and woodland conservation
- PCS1 Pollution and Nuisance
- PCS2 Noise and Vibration
- PSC3 Air Quality
- PCS5 Contamination
- PCS7: Water source Protection Area
- PCS7A Foul Sewage Infrastructure
- PCS8 Bath Hot Springs
- ST1 Promoting sustainable travel
- ST2 Sustainable Transport Routes
- ST7 Transport requirements for managing development
- LCR1 Safeguarding Local Community facilities
- BD1 Bath design policy
- B4 The World Heritage Site and its setting

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

#### SUPPLEMENTARY PLANNING DOCUMENTS AND ADDITIONAL GUIDANCE

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

## LEGISLATION

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

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

## LOW CARBON AND SUSTAINABLE CREDENTIALS

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

## OFFICER ASSESSMENT

Principle of development

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

The building was vacated by the Royal United Hospital (RUH) in December 2019. The health services formally provided at the Mineral Water Hospital have been re-provided at a new purpose-built facility at the RUH, so as alternative facilities have been provided which will improve the overall quality of public services, the development is compliant with this policy.

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

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

in town centres. The proposed hotel use within the defined City Centre is therefore acceptable.

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

The 'BANES Visitor Accommodation Study was prepared in 2018 to inform the new B&NES Local Plan 2016-203. Whilst the Visitor Accommodation Study provides the most up-to-date data on hotel supply in Bath, it now has only very little weight because the new B&NES Local Plan 2016-203 is no longer being pursued. The document makes clear that it has prepared projections for how the hotel market could grow and that the results are not intended to be targets or caps on new hotel provision but provide an indication of new hotel development that market growth might sustainably support without detriment to existing hotels.

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

The new use in a large vacant building will aid in enhancing the vitality and viability of this part of the city centre.

The principle of development is therefore supported.

#### Character and appearance/listed building impact

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

#### Significance of heritage assets affected

Paragraph 189 of the NPPF explains that Local Planning Authorities should require the applicant to describe the significance of the heritage assets affected, including any contribution made by their setting. As noted above, the building is Grade II \* Listed building, within the heart of the Conservation Area and World Heritage Site. Further the garden area is a Schedule Monument and the site is in close proximity to a number of further listed buildings. The submission includes a thorough assessment of the significance of the heritage assets in relation to the proposals, and officers are satisfied that they have enough evidence on which to base their assessment.

In relation to former hospital, surviving internal features of particular significance include the Chapel's interior, the west wing staircase space, the remains of the earlier theatre

building and stone vaulting, the Roman mosaic displayed in the floor of the west wing basement and the Lodge, the underground tunnels, the east wing top floor barrel vaulted ceilings and corbels, and decorative features such as fireplaces, cast iron columns, ceiling roses and cornices.

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

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

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

#### Conversion/ New Use

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

Securing the optimum viable use for this building is essential to achieve a successful sustainable outcome for this site. Where a heritage asset is capable of having a new use, then securing its optimum viable use should be taken into account in assessing the public benefits of a proposed development. The application supporting documents explain that when the NHS sold the building, 16 offers were submitted to purchase the building and 9 were shortlisted, all of which were for hotels as a primary or sole use. All other offers, including offers involving residential, hotel and student uses (some including a mix of uses) were materially lower than the 9 shortlisted offers.

It is understood that the main aim of the disposal process was to maximise value. This was so that the RUH NHS Foundation Trust could use the sale proceeds to invest in a new hospital facility. However, it is noted that optimum viable use is not simply the most profitable one. The submitted Viability and Suitability Statement prepared by Savills sets out how the conversion of the building carries significant abnormal costs and risks. Alternative potential uses for the building, could, in their view, result in more harm to the heritage value of the site or not represent the optimum use. Most commercial or residential uses would be unlikely to include the level of public access, or ongoing heritage interpretation, proposed with a leisure/tourism use.

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

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

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

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

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

#### Internal alterations

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

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

Details have been provided showing the structural engineering response to the proposed alterations within the listed hospital wings. The initial assessments of the proposals indicate that the new roof structure for the west wing and other interventions should be manageable and not impact negatively on the historic fabric and structure of the listed building. However, a further report should be requested by way of condition should the applications be approved to ensure that no structural failings hitherto not discovered may impinge on the implementation of this conversion and new build, especially in relation to the new roof extension on the west wing.

Investigations have revealed that the standing remains of what is thought to be the old theatre frontage that appears to have been partially encapsulated within the east wing's basement and performs the role as a corridor wall. This will also be preserved and unlike

the current situation, the use of this part of the site as a spa will allow this interesting fragment of an earlier building to be publicly accessible.

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

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

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

The revised scheme includes the introduction of a new staircase between ground and basement restaurants within the West Wing. This has been located within the part of the building reconstructed in the 1960's following bomb damage and appears to be aligned to the original primary structure of the vaults below to allow minimal intervention and retention of most of the plan for the lobby spaces in the chapel above. The new stair will require the removal of approximately 6.5 m<sup>2</sup> of existing floor structure, probably dating from 1859-61. This represents 5.6% of the total vaulted floor area beneath the Chapel and anteroom. This area falls outside of the principal vaulted space supporting the Chapel above but does entail the loss of one of the lobby spaces to the chapel and a similar area within the basement vaults.

Little physical assessment has been made of the area of the ceiling/floor that require demolition to install these stairs. In the Heritage Impact Statement assessment of the fabric and space where the stairs are proposed has concluded that it is of 'considerable significance', suggesting that it is likely to be original rather than replacement bomb damaged fabric. The proposal to remove a section of floor within the vestibule/lobby area to the Chapel and the equivalent area of ceiling from the vaults below is therefore most likely to result in loss of original fabric that will also involve the disruption to a series of geometric quarry tiles, which are deemed to be of heritage significance, at one time covering the entire Chapel floor.

In line with current NPPF guidelines this loss of potentially original fabric will result in harm to the asset. It is proposed to mitigate this loss by taking the opportunity to repair the badly damaged original quarry floor tiles in the centre of the chapel space with those which will be saved from the removal of this section of floor. This will ensure that the replacement tiles are both genuine like-for-like replacements and that they will be of the same age and source with a consistent patina of age. It is also considered that within the overall context of the proposals for the site, this small loss of fabric is of less than substantial harm, and partly mitigated by the heritage benefits associated with repairing the damaged tiles.

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

Surveys of the windows and doors within the building have been undertaken revealing that there are two surviving original Georgian windows in the basement in the east wing, but much of the remaining fenestration is 20th century. Similarly, many of the doors have either been upgraded to fire doors or are later 20th century.

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

Where new windows are proposed to be installed for example on the rear of the west wing where the staircase tower is to be removed, double glazed units are proposed. If planning permission is granted, a condition requiring more details of both forms of glazing will be required. However, in both cases these details accord with the principles of Bath and North East Somerset's guidance on Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings,

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

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

## Extension

As with the previous application, the development proposes an extension located against the south elevation of the west wing which will be accommodated within the existing car park area and on a small portion of the Hospital garden. The design of the extension has been revised in response to the previous reasons for refusal detailed above.

The development proposes a 3-storey extension inked to the west wing by a pedestrian covered glazed bridge, replacing a 1990's staircase turret. The Planning Metrics Schedule included within the submission confirms the proposal is 77% of the volume of the refused scheme; a reduced ridge height (0.8m); and a reduced eaves / shoulder height (1.2m). The submitted visually verified montages confirm that the proposal will only have a localised impact from publicly accessible viewpoints from Parsonage Lane and Bridewell Street, and private views from adjacent buildings.

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

It is documented within the Bath Conservation Area Character Appraisal that the over-development of private gardens can detract from the setting of the area and of listed and unlisted buildings. They provide important points of green undeveloped space in the urban landscape and need to be preserved.

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

The retention of a large proportion of the garden to the west of the site will ensure that the view from Bridewell Lane will retain the verdant character which has been identified as an important attribute. The garden areas will be re-landscaped as a small pleasure garden and will be accessible to the public using the hotel and restaurant. Whilst concerns with regards to the loss of the open space overall have been raised, the development is not considered to represent the overdevelopment of the garden area. However, notwithstanding this, the partial loss of this space will incur harm to the setting of the listed building and to the character and appearance of the Conservation Area and the and the OUVs of the World Heritage Site. In the language of the Framework, this harm is considered to be less than substantial harm. This harm will be considered alongside all harm in the overall planning balance.

The Design and Access Statement explains that the design of the revised rear extension has taken a more contextual approach and takes the form of an infill building linked to the host building by a bridge link at second floor level. The form of the building is more traditional, but it has contemporary detailing to enable it to read as a new addition.

The reduction of the height of the extension when compared to that of the refused application, has partly been achieved through the relocation of the roof plant within the ground floor. This is considered to be an improvement and allows for more suitable roof design that reflects the general roof forms of historic buildings within the immediate area. The revised extension has been designed with a cut away at upper floor levels decreasing the overall mass of the building and increasing the visual separation between the extension and the surrounding buildings.

The extension takes the form of a symmetrical, domestically proportioned and scaled development that provides a more considered front elevation with Georgian elements of diminishing proportions for the fenestration facing onto Parsonage Lane. The polite design and use of a domestic-style scale and layout are compatible with its streetscape setting in

this backland context, and successfully aligns with the neighbouring building at Parsonage Lane .

The glazed link is significantly reduced in size, when compared to the refused extension and now forms an elevated passage link running between the first floors. This light touch approach enables the rear facade of the west Wing to remain visible as an external element rather than partially concealed and allows the historic balcony free from being enclosed within other structures. This newly created forecourt will enable views of the former Hospital to be retained as well as provide a visual connection to the gardens and Bridewell Lane beyond.

The extension achieves a respectful subservience towards the chapel's apse that protrudes into the lane. This allows for the Chapel Apse, a significant feature to have prominence in the street scene. The scheme also encloses the awkward sub-station that has caused difficulties being integrated into the previous scheme. This is considered to be a more appropriate design that better reflects the forms of extension that historically would have been used in similar contexts throughout the city.

The modest introduction of green wall planting to some aspects of the new block should add contemporary flair to the scheme and encourage biodiversity, subject to a careful management regime. As this is an important aspect of the design a robust management strategy should be required by condition.

The use of traditional materials such as Bath stone blends with the existing texture and colour palette of Parsonage Lane's backland character. The roof will be finished in a grey pre-patinated standing seam zinc which will ensure the new form integrates into the city's roofscape.

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

#### Further external works

The proposals include the remodelling of the 20th Century top floor of the west block.. This is betterment on the existing situation and a conservation gain. The material will be clad in a grey metal, and whilst this is a more contemporary material, its tone will ensure that the roof integrates the roofscape of the city. The proposal also include the installation of a green roof. This will be set behind a screen and will have limited impact upon any wider views.

The proposal also comprises re-opening the entrance to the East Wing on Upper Borough Walls, the reinstatement of basement windows fronting Upper Borough Walls,. There are no objections to these works.

#### Improvements to the public realm

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

The improvements to Parsonage Lane will involve resurfacing Parsonage Lane with pennant stone slabs and setts to the pavement and carriageway. Further to the improvements above, the applicant has agreed to make a capped contribution of up to £250k towards Upper Borough Walls Public Realm improvements. This would tie in with existing Council projects including the Bath High Street Renewal programme, and Bath City Centre Access Restrictions project is in progress which may give rise to future public realm works along Upper Borough Walls. These works have the potential to deliver public realm and listed building setting enhancement along the site frontage to Upper Borough Walls.

This would be a major improvement to the immediate public realm. In terms of the impact on the character and appearance of the Conservation Area together with the setting of the listed buildings that front onto this part of Parsonage Lane, and Upper Borough Walls, this would result in a positive enhancement to the public realm.

#### Public access

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

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

As noted above, great weight is given to the need to ensure that the public still have an element of public access to this building.

#### Connection to hot springs

A feasibility study for the reconnection of the hospital to Bath hot springs mineral waters was previously commissioned. However, there are many difficulties associated with this, and this has not been able to be secured as part of this planning application. The difficulties relate to the levels of work and new piping required, and land ownership issues. Further, the increased abstraction of water, has a potential impact upon the pore pressure in the loose deposits at the top of King's Spring on which the Roman Baths sit.

#### Fixtures and Fittings

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

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

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

#### Archaeological matters/Schedule Monument

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

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

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

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

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

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

The Roman remains within Bath have a high level of significance being an element of the OUV of the World Heritage Site as well as protected in areas as a scheduled monument. This places the archaeology under NPPF paragraph 194 as a highly designated heritage asset. The more important that asset the more weight should be given to its conservation whatever the level of harm. Overall though the impacts are relatively limited and taking the proposals and assessing its impact on all aspects of the monument's significance it is concluded that the new building would cause harm to the highly designated heritage asset but that harm was less than substantial.

The two Roman mosaics currently within the site will be displayed within publicly accessible parts of the building. The wall mounted Roman mosaic in the Lodge building is proposed to be relocated to enable guest and public viewing and the basement mosaic made more accessible. A Mosaic Assessment has been submitted which details how the Lodge Mosaic will be moved and details three potential locations. These require further investigation to understand the structural suitability of each location. This can be secured via a condition. The improved public access to these mosaics is considered to be a heritage gain and a public benefit.

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

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

Historic Interpretation Strategy (HIS)

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

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

Further, as highlighted, the HIS contains an inventory of the fixtures and fittings removed from the building and details of how these may be used in the future.

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

The aims of this strategy can be secured via S106

#### Conclusion on heritage matters

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

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

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

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

Within the above section of the report, it has been explained that a number of public benefits could be delivered through the scheme. The NPPG advises that public benefits may be anything that delivers economic, social or environmental progress as described in the NPPF but it must flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. It also recognises that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. What amounts to a relevant public benefit in a particular case is a matter for the decision-maker. So is the weight to be given to such benefits as material considerations.

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

Further benefits include public realm improvements to Parsonage Lane and Upper Borough Walls which will result in enhancements to the setting of the listed building, and neighbouring listed buildings, as well as the Conservation Area and World Heritage Site. Heritage gains will be achieved through removing late 20th century detrimental fabric from the hospital's interior, restoring and maintaining the more significant rooms within the buildings and improvements to the roof of the west wing.

NPPG confirms that all types of public benefits can be taken together and weighed against harm and these do not need be solely heritage benefits. Further non heritage benefits also include the provision of additional CCTV in the area (detailed below) and associated economic benefits of bringing a new occupiers into this building including the increased employment opportunities.

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

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

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. In this instance detailed attention has been given to this duty, and whilst some harm has been identified to the Conservation Area for example through the loss of open space, benefits have been delivered. Full consideration has also been given to the impact upon the scheduled monument and the World Heritage Site, with solutions sought to minimise any impact.

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

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

Based on the above, the proposals are considered to overcome the previous related reason for refusal.

#### Highway safety

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

The development is proposed as a car free development. The site is in the city centre and is therefore suitably located for access by sustainable transport methods. The former hospital was run by approximately 250 staff, with around 260 patients arriving at the hospital daily. The change of use from hospital to hotel will reduce traffic movements associated with the site by an average of approximately 63 in a 24-hour day.

The application confirms that 24 cycle parking spaces would be provided for staff use in the cycle store using a two-tier racking system Four cycle spaces for visitors would be provided close to the secondary restaurant entrance on Parsonage Lane. This would

supplement the existing cycle parking on Saw Close which is close to the main entrance to the hotel.

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

The applicant notes the existing waiting and loading restrictions along the frontage of the application site on Upper Borough Walls including a designated ambulance bay. They highlight that, with the closure of the hospital, there is no justification to retain the existing ambulance bay and so suggest changes to the current arrangement. A Council project is currently underway to review access restrictions for city centre security. The TS suggest that the Council would amend the TROs (Traffic Regulation Orders) as part of the intended security proposals. However, at the time of writing the final scheme has not yet been approved by the council, so there is some uncertainty regarding its delivery at this point.

While the removal of the ambulance bay arises as a direct consequence of the proposed change of use and will make best use of the highway at the frontage of the site, its redesignation is not essential for the development to be acceptable in highways terms. Should the proposed development come forward before the city centre security scheme, the applicant would be expected to meet the cost of a Traffic Regulation Order (TRO) to change the use of the bay.

The submitted Travel Plan supports the application. The key actions from within the travel plan should be secured condition.

A Construction Management Plan based on the principles set out in paragraph 4.7 of the Transport Statement should be submitted to the Council and approved in writing prior to commencement of the development. This should be secured by condition.

The applicant has also agreed to fund improved CCTV linked to City Centre Security. This would be at Bridwell Lane and Parsonage Lane and would provide improved security for guests who will arrive predominantly on foot and by cycle and staff who may have to work unsociable hours early in the morning and late at night. This would also result in a safer environment for all users of this space.

#### Residential amenity

PMP policy D6 requires that development must allow for appropriate levels of amenity and allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light. Further it should not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbances.

Careful consideration has been given to the third-party representations. A number of occupiers of the nearest residential properties have significant concerns in relation to how

the development will impact upon their amenity, through matters including loss of light, outlook, privacy and increase noise and disturbance.

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

The extension has been re designed in an attempt to improve its relationship these neighbouring occupiers. The overall massing and height have also been reduced with an area of building cut away at first floor level to minimise the mass and increase separation from the most sensitive neighbouring receptors. At ground floor level the facade of the building is pulled further away from the boundary wall. The eaves level separation with the north facing wall of No. 1 Parsonage Lane has been increased from 17.6m (refused scheme) to 22.1m (revised scheme). This again increases above the parapet height where the mansard roof slopes away from the boundary

The extension has been designed with no south facing windows to ensure that the privacy of those occupiers to the south are safeguarded. The submission confirms that the rear balcony at second floor level is for maintenance and will not be accessible to guests. This can be secured via a condition.

The submission includes a Daylight and Sunlight Report. The study is based on the various numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2nd Edition. The standards set out in the BRE guide are intended to be used flexibly. It should be noted that the study is just one tool on which to base the judgement of the acceptability of the development, and officers have the benefit of site visits and detailed plans.

It is noted that there are a number of tests that could be undertake but the study uses a number of tests to assess the impact. The first test relates to Vertical Sky Component. This is a measure of available skylight at a given point on a vertical plane.

The BRE guide contains two tests which measure diffuse daylight to windows. Diffuse daylight is the light received from the sun which has been diffused through the sky. Even on a cloudy day, when the sun is not visible, a room will continue to be lit with light from the sky.

The first test is the Vertical Sky Component which is a measure of available skylight at a given point on a vertical plane. Diffuse daylight may be adversely affected if after a development the

Vertical Sky Component is both less than 27% and less than 0.8 times its former value. Whilst some windows analysed will have a reduction in the vertical sky component, the assessment shows that they do not fail these aforementioned test.

The second test relates to daylight distribution which can be calculated by plotting the 'no sky line'. The no sky line is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. No habitable tested fails this test.

The assessment also looks at sunlight availability to windows. The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The relevant tests are passed for those windows tested.

Finally, overshadowing to gardens is analysed. The BRE recommends that at least 50% of the area of each amenity space listed above should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable. Again, the development does not result in a conflict with this test.

This report confirms that all neighbouring windows (that have a requirement for daylight or sunlight) pass the relevant BRE diffuse daylight and direct sunlight tests. The development also passes the BRE overshadowing to gardens and open spaces test. The results also confirm that the proposed development creates less of an impact when compared to the refused scheme.

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

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

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

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

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

It is recognised that there will be patrons of the hotel and restaurant leaving and arriving back at site at later times. However, this is a city centre location where there is already a degree of noise and disturbance. This is not considered to result in significant harm to the amenity of the neighbouring occupiers.

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

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

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

Based on the above, the proposals are considered to overcome the previous related reason for refusal.

#### Arboricultural Matters

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

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

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

The smaller water feature has been omitted to further increase the area of shrub planting but also to free up additional space for larger trees to address the Arboriculture Officer's comments. 6 new trees are proposed for the garden including. A mature specimen tree (approx. 25-year-old) tree is proposed to be planted next to the Lodge. The originally proposed parasol trees are omitted (following the Arboricultural Officer's comments) and have been substituted by small/ medium sized

This is considered to be a better solution that seeking a s106 contributions for off site planting to mitigate the loss of the trees, particularly given the Council's Arboriculture Officer's comments with regards to the limited opportunities within the city to secure this planting..

### Drainage

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

### Sustainable construction

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

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

### Ecological implications

There is no ecological objection in principle to the application. The site is not within or adjacent to any sites designated for their nature conservation interest.

An update inspection has been completed as detailed in the letter from SLR dated 25 March 2021 entitled Ecological Considerations. The bat survey was unable to rule out the risk of roosts present in an area of the building to be affected by re-roofing works, identified as supporting bat roost potential, due to accessibility constraints to the survey. Based on the remote monitoring survey, the risk is however considered to be low. Nesting gulls are also likely to be present. Precautionary working methods and ecological supervision are recommended which are considered appropriate in the circumstances. If active nesting gull nests are present at the time of works, these should be retained undisturbed until chicks have fledged, or appropriate legal approach followed. Herring gull are a red list Species of Conservation Concern. Precautionary measures should be secured by condition.

The scheme includes areas of biodiversity green roof, living walls and ornamental planting at ground level and on a roof terrace. These measures are welcomed and will achieve overall biodiversity net gain as detailed in the Biodiversity Net Gain Assessment (SLR, April 2021). Using the defra 2.0 metric, the proposal demonstrates that the application proposals significantly exceed the 10% uplift in value from the baseline. To achieve the 10% the scheme needs to achieve 0.14 biodiversity units. The proposed scheme achieves 0.24 biodiversity units. Further, additional landscaping has been proposed within the updated landscape plans. This is likely to further increase the biodiversity net gain.

There are no biodiversity concerns in relation to the small-scale tree removal proposed. The proposed species mix for the green roof is strongly supported. An appropriate management regime will need to be secured by condition. Additional measures such as bee banks, habitat piles or small pools of water could further add to the value of the proposed green roofs. The previous PEA makes appropriate recommendations for bat and bird boxes. A scheme of bat and bird boxes, to ensure no net loss of opportunities for these species will need to be secured by condition. Swift boxes would be particularly welcomed.

Based on the above, the third reason for refusal in relation to biodiversity net gain has been overcome.

#### Air Quality

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

#### Contaminated Land

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

#### Planning obligations

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

- Commitment to an Historic Interpretation Strategy to secure on and off-site interpretation of the building's important history and enabling some continued public access to the buildings/garden
- Parsonage Lane Public Realm: Public realm improvements and necessary financial contributions
- Upper Borough Walls Public Realm Additional contribution - a capped contribution of up to £250k.
- Financial contribution to Traffic Regulation Orders (to redesignate parking bays at the front of the site if implemented prior to the City Centre Security Project
- Targeted Training and Recruitment - Method Statement and financial contributions.

- A financial contribution towards CCTV along the Parsonage Lane and Bridewell along with the associated ducting and connection to Westgate Street. -Approximately £107,810.11

### Climate and Ecological Emergencies

Responding to the Climate and Ecological emergencies are a high priority for the Council and are material considerations in determining planning applications. However, , decisions need to be based on the adopted Development Plan. The assessment has considered these issues, in particular with regards seeking to ensure a biodiversity net gain, through sustainable construction and retrofitting, and a car free development.

### Planning balance

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

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

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

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

### Public Sector Equality Duty

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

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

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

## **RECOMMENDATION**

### **PERMIT**

## **CONDITIONS**

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

B Subject to the prior completion of the above agreement authorise the Head of Planning to PERMIT subject to the following conditions:

### **1 Standard Time Limit (Compliance)**

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

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

### **2 Drainage (Pre commencement)**

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

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

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

### **3 Drainage Strategy (Pre commencement)**

No development shall commence, except ground investigations and remediation, until a detailed drainage design (supported by calculations) and in accordance with the agreed drainage strategy has been submitted to the Local Planning Authority and given written approval.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

### **4 Travel Plan (Pre-occupation)**

No occupation of the development shall commence until a Travel Plan (based on the principles set out in paragraph 4.6.1 of the Transport Statement) has been submitted to

and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

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

#### **5 Hard Landscaping (Pre-occupation)**

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

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

#### **6 Hard and Soft Landscaping (Compliance)**

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

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

#### **7 Archaeology Post Excavation and Publication (Pre-occupation)**

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

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

#### **8 Archaeology Controlled Excavation (Pre-commencement)**

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant

deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

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

### **9 Archaeology Engineering Solution (Pre-commencement)**

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

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

### **10 Arboricultural Method Statement (Compliance)**

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

Reason: To retain the protection of the retained trees

### **11 Wildlife Protection and Enhancement (Pre-commencement)**

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme consistent with Ecological Considerations (SLR, March 2021), Preliminary Ecological Appraisal report (SLR, July 2019) and Bat Survey Report (SLR, September 2019). have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to bats and nesting birds, and proposed reporting of findings to the LPA prior to commencement of works;
- (ii) Detailed proposals for implementation of the landscaping to benefit wildlife including wildlife-friendly landscape details, provision of bat and bird boxes, with proposed specifications, proposed numbers and positions to be shown on plans and a management schedule to benefit biodiversity.

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.

NB The above 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 and integrated features to be incorporated into the building.

### **12 Implementation of Wildlife Scheme (Bespoke Trigger)**

Within one year of the completion of the development, 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 shall be submitted to and approved in writing by the Local Planning Authority. Any remedial measures if required to maximise benefits for biodiversity shall be detailed and implemented fully in accordance with the approved report.

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 and D5e of the Bath and North East Somerset Local Plan.

### **13 Construction Management Plan (Pre-commencement)**

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

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

### **14 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**

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

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

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments,

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

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

### **15 Contaminated Land - Remediation Scheme (Pre-commencement)**

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

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

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

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

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

### **16 Contaminated Land - Verification Report (Pre-occupation)**

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

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

### **17 Contaminated Land - Unexpected Contamination (Compliance)**

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

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

### **18 No Terrace/Balcony Use (Compliance)**

The roof area of the development hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

### **19 Construction Environmental Management Plan (Pre commencement)**

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

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

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

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

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

#### **20 Noise from plant (Compliance)**

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

Reason: To safeguard the amenity of the neighbouring occupiers

#### **21 Hotel Accommodation - sound attenuation (Pre occupation)**

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2004. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,T for living and bedrooms during the day (07.00-23.00) and 30dBLAeq,T bedrooms at night (23.00-07.00). For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

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

#### **22 Use of garden area (Compliance)**

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

Reason: to safeguard the amenity of the neighbouring occupiers.

#### **23 Lighting (Bespoke trigger)**

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

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

#### **24 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.

#### **25 Sustainable Construction (Pre-occupation)**

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

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

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

#### **26 Green walls/roof management (Pre occupation)**

The development hereby approved shall not be occupied until a programme for the installation of the planting and maintenance scheme for the green wall and roof have been submitted to and approved in writing by the Local Planning Authority. This part of the development must be maintained as approved, unless otherwise approved by the Local Planning Authority.

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

#### **27 Method statement - mosaics(Bespoke trigger)**

Prior to any works to the mosaics, a detailed restoration and relocation statement (for the Lode Mosaic) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of the development.

Reason: To ensure that the mosaics are sensitively restored and accessible to the public.

#### **28 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:**

0 06 Jul 2021 1474 050 C PARSONAGE LANE (E) ELEVATION AS PROPOSED  
06 Jul 2021 1474 051 C BRIDEWELL LANE (W) ELEVATION AS PROPOSED

06 Jul 2021	1474 052 C	SECTIONAL ELEVATIONS (N&S) AS PROPOSED
06 Jul 2021	1474 053 C	UPPER BOROUGH WALLS (N) ELEVATION AS PROPOSED
06 Jul 2021	1474 061 C	SECTION BB (E-W) AS PROPOSED
06 Jul 2021	1474 071 D	GROUND FLOOR PLAN AS PROPOSED
06 Jul 2021	1474 072 C	MEZZANINE PLAN AS PROPOSED
06 Jul 2021	1474 072 C	PROPOSED MEZZANINE FLOOR PLAN - COLOURED
06 Jul 2021	1474 073 C	FIRST FLOOR PLAN AS PROPOSED
06 Jul 2021	1474 074 C	SECOND FLOOR PLAN AS PROPOSED
06 Jul 2021	1474 075 C	THIRD FLOOR PLAN AS PROPOSED
06 Jul 2021	1474 076 C	ROOF PLAN AS PROPOSED
06 Jul 2021	1474 081 D	PROPOSED GROUND FLOOR PLAN - COLOURED
06 Jul 2021	1474 083 C	PROPOSED FIRST FLOOR PLAN - COLOURED
06 Jul 2021	1474 084 C	PROPOSED SECOND FLOOR PLAN - COLOURED
06 Jul 2021	1474 085 C	PROPOSED THIRD FLOOR PLAN - COLOURED
06 Jul 2021	1474 091 C	SUPERVISED PUBLIC AREAS - GROUND FLOOR
06 Jul 2021	1474 093 C	SUPERVISED PUBLIC AREAS - FIRST FLOOR
06 Jul 2021	171-001 P3	LANDSCAPE PLAN
06 Jul 2021	171-201 P3	PLANTING PLAN - GROUND FLOOR
06 Jul 2021	171-800 P3	ILLUSTRATIVE MASTERPLAN
12 Apr 2021	1000	EXISTING BASEMENT FLOOR PLAN
12 Apr 2021	1001	EXISTING GROUND FLOOR PLAN
12 Apr 2021	1002	EXISTING MEZZANINE FLOOR PLAN
12 Apr 2021	1003	EXISTING FIRST FLOOR PLAN
12 Apr 2021	1004	EXISTING SECOND FLOOR PLAN
12 Apr 2021	1005	EXISTING THIRD FLOOR PLAN
12 Apr 2021	1474 001 B	LOCATION PLAN
12 Apr 2021	1474 005 B	BLOCK PLAN AS EXISTING
12 Apr 2021	1474 010 B	BASEMENT PLAN AS EXISTING
12 Apr 2021	1474 011 B	GROUND FLOOR PLAN AS EXISTING
12 Apr 2021	1474 012 B	MEZZANINE PLAN AS EXISTING
12 Apr 2021	1474 013 B	FIRST FLOOR PLAN AS EXISTING
12 Apr 2021	1474 014 B	SECOND FLOOR PLAN AS EXISTING
12 Apr 2021	1474 015 B	THIRD FLOOR PLAN AS EXISTING
12 Apr 2021	1474 016 B	ROOF PLAN AS EXISTING
12 Apr 2021	1474 020 B	PARSONAGE LANE (E) ELEVATION AS EXISTING
12 Apr 2021	1474 02004 B	PROPOSED AND EXISTING COURTYARD ELEVATIONS
12 Apr 2021	1474 021 B	BRIDEWELL LANE (W) ELEVATION AS EXISTING
12 Apr 2021	1474 022 B	SECTIONAL ELEVATIONS (N AND S) AS EXISTI..
12 Apr 2021	1474 023 B	UPPER BOROUGH WALLS (N) ELEVATION AS EXISTIN
12 Apr 2021	1474 024 B	UNION STREET (E) AND PARSONAGE LANE (W)
12 Apr 2021	1474 030 B	SECTION AA (N-S) AS EXISTING
12 Apr 2021	1474 031 B	SECTION BB (E-W) AS EXISTING
12 Apr 2021	1474 032 B	SECTIONAL ELEVATION THROUGH 3 PARSONAGE
12 Apr 2021	1474 054 B	UNION STREET (E) AND PARSONAGE LANE (W)
12 Apr 2021	1474 060 B	SECTION AA (N-S) AS PROPOSED
12 Apr 2021	1474 080 B	PROPOSED BASEMENT FLOOR PLAN - COLOURED
12 Apr 2021	1474 082 B	PROPOSED MEZZANINE FLOOR PLAN - COLOURED
12 Apr 2021	1474 082 B	PROPOSED MEZZANINE FLOOR PLAN - COLOURED...

12 Apr 2021	1474 095 B	BASEMENT - DIFFERENCES FROM REFUSED SCHEME
12 Apr 2021	1474 096 B	GROUND FLOOR - DIFFERENCES FROM REFUSED SCHEME
12 Apr 2021	1474 097 B	FIRST FLOOR - DIFFERENCES FROM REFUSED SCHEME
12 Apr 2021	1474 098 B	ROOF PLAN - DIFFERENCES FROM REFUSED SCHEME
12 Apr 2021	1474 102 B	PROPOSED RAISED FLOOR AND STAIRS
12 Apr 2021	1474 103 B	PROPOSED BASEMENT LIGHTWELL WORKS
12 Apr 2021	1474 12001 B	TYPICAL WINDOW WALL AND COLUMN DETAILS
12 Apr 2021	1474 12011 B	PROPOSED LIFT SHAFT OPENING TYPICAL DETAIL
12 Apr 2021	1474 12012 B	PROPOSED RISER REINSTATED (EAST WING)
12 Apr 2021	1474 12013 B	PROPOSED SERVICE RISERS (WEST WING)
12 Apr 2021	1474 12014 B	PROPOSED RECONSTRUCTION OF SOUTH RANGE
12 Apr 2021	1474 13001 B	PROPOSED GLAZED BALUSTRADE SURROUNDING
12 Apr 2021	1474 13005 B	PROPOSED REINSTATED FIREPLACE AND WALL I.
12 Apr 2021	1474 13007 B	PROPOSED STEEL STAIR AND LIFT
12 Apr 2021	1474 13011 B	PROPOSED MINERAL WATER POOL COURTYARD
12 Apr 2021	1474 13012 B	PROPOSED LIGHTWELL AND WINDOW
12 Apr 2021	1474 14001 B	PROPOSED ARCHED GLAZED SCREENS AND DOORS
12 Apr 2021	1474 14002 B	PROPOSED ENTRY DOOR
12 Apr 2021	1474 14005 B	PROPOSED ACCESSIBILITY MODIFICATIO
12 Apr 2021	1474 14008 B	PROPOSED MODIFICATIONS TO APSE
12 Apr 2021	1474 14013 B	PROPOSED POOL INFILL AND FLOOR WORKS
12 Apr 2021	1474 15002 B	PROPOSED WORKS WITHIN CHAPEL VAULTS
12 Apr 2021	1474 16001 B	PROPOSED OPENINGS IN FIRE RATED WALL
12 Apr 2021	1474 17006 B	KINGS WARD POD BEDROOM
12 Apr 2021	1474 18002 B	TYPICAL ELEVATION NEW CLADDING PROPOSALS
12 Apr 2021	1474 30302 B	PROPOSED SECTION - WEST WING COURTYARD
12 Apr 2021	1474 D1001 B	DEMOLITION PLAN BASEMENT FLOOR
12 Apr 2021	1474 D1002 B	DEMOLITION PLAN GROUND FLOOR
12 Apr 2021	1474 D1003 B	DEMOLITION PLAN MEZZANINE FLOOR
12 Apr 2021	1474 D1004 B	DEMOLITION PLAN FIRST FLOOR
12 Apr 2021	1474 D1005 B	DEMOLITION PLAN SECOND FLOOR
12 Apr 2021	1474 D1006 B	DEMOLITION PLAN THIRD FLOOR
12 Apr 2021	1474 D1007 B	DEMOLITION PLAN ROOF
12 Apr 2021	171-001 P2	(SUPERSEDED) LANDSCAPE PLAN
12 Apr 2021	171-002 P2	STREETSCAPE GA
12 Apr 2021	171-003 P2	STREETSCAPE GA
12 Apr 2021	171-004 P2	STREETSCAPE GA
12 Apr 2021	171-201 P2	(SUPERSEDED) PLANTING PLAN - GROUND FLOO
12 Apr 2021	171-202 P2	PLANTING PLAN - ROOFSCAPE
12 Apr 2021	171-203 P2	PLANTING PLAN - LIVING WALLS
12 Apr 2021	171-401 P2	TREE PIT DETAILS
12 Apr 2021	171-402 P2	PAVING DETAILS
12 Apr 2021	171-501 P2	SECTION ELEVATIONS AA-CC
12 Apr 2021	171-502 P2	SECTION ELEVATION DD
12 Apr 2021	171-800 P2	ILLUSTRATIVE MASTERPLAN
12 Apr 2021	171-SCH-001 P2	PLANT SCHEDULE
12 Apr 2021	2000	EXISTING BASEMENT FLOOR PLAN
12 Apr 2021	2001	EXISTING GROUND FLOOR PLAN

12 Apr 2021 2002 EXISTING FIRST FLOOR PLAN  
12 Apr 2021 2003 EXISTING SECOND FLOOR PLAN  
12 Apr 2021 3000 ANNEX EXISTING PLANS AND ELEVATIONS  
12 Apr 2021 D14 377 01 P5 REV C TREE PROTECTION PLAN

## 0 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.

0 Local Highway Authority require an agreement (Section 106, Section 278, Section 38) The Local Highway Authority (LHA) requires the developer to enter into legally binding agreements to secure public realm improvements on Upper Borough Walls and Parsonage Lane. Further information in this respect may be obtained by contacting the LHA.

## 0 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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

## 0 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](http://www.bathnes.gov.uk/cil)

**Item No:** 05  
**Application No:** 21/01753/LBA  
**Site Location:** Royal National Hospital For Rheumatic Diseases Upper Borough Walls City Centre Bath Bath And North East Somerset



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** IISTAR  
**Ward Members:** Councillor Sue Craig      Councillor Andrew Furse  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:**

Internal and external alterations associated with proposed conversion to hotel (Use Class C1), external alterations to East Wing roof including removal of lift room and flue, demolition and replacement of roof top plant area and extension to existing pitched roof, demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area, removal of modern external staircase to rear of West Wing and replacement infill development, demolition and replacement of third storey extension to West Wing, alterations to the roof of West Wing including new lift shaft and plant screen, and bridge link to new three storey rear extension to West Wing.

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

**Applicant:** Fragrance UK (Bath) Ltd  
**Expiry Date:** 7th June 2021  
**Case Officer:** Tessa Hampden

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

## REPORT

Reasons for referring the application to committee

This application has been called to committee by Councillor Furse.

### Site description and proposal

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

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

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

There is a parallel listed planning application being considered.

A previous listed building application was refused for the following reason:

1 The proposed development, due to the scale and bulk of the proposed rear extension is considered to result in visual harm to the setting and significance of the host Grade II \* listed building. The public benefits identified would not outweigh the harm identified. As such the proposal is considered contrary policies D4, D7 and HE1 of the Bath and North East Somerset Placemaking Plan.

### Planning history

19/04933/FUL - Refused - 25 September 2020 - Change of use from hospital (Use Class D1) to 164 - bedroom hotel (Use Class C1) and 66 sq m of restaurant/cafe (Use Class A3); to include publicly accessible restaurant, health spa, bar, lounge/meeting spaces at ground and first floor; external alterations to East Wing roof including removal of lift room and flu, demolition and replacement of roof top plant area and extension to existing pitched roof; demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area; removal of modern external staircase to rear of West Wing and replacement infill development and glazed link to new extension; demolition and replacement of 3rd storey extension to West Wing; alterations to the roof of West Wing

including new lift shaft and plant screen; erection of 3.5-storey extension to rear of West Wing with glazed link/conservatory space; removal of two trees and replacement tree planting; landscaping and associated works.

Appeal registered for the above application July 2021

19/04934/LBA - Refused - 25 September 2020 - Listed Building Consent: Internal and external alterations associated with proposed conversion to hotel (Use Class C1); demolition and replacement of modern infill extension, new glazed roof and new infill development of northern elevation to internal courtyard of East Wing; alterations to the roof of east and West Wings; removal of external staircase to West Wing and replacement with glazed link to new extension and replacement infill development; abutment of new glazed structure with West Wing chapel south wall; demolition and replacement of 3rd floor extension to West Wing and additional plant screen and lift overrun to West Wing roof; partial demolition of the boundary wall on Parsonage Lane; construction of replacement glass screen to main internal ground floor lobby of West Wing; changes to internal layout and consequential changes to internal partitions and other fabric

Appeal registered for the above application - July 2021

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Conservation/Listed Buildings - no objection subject to conditions

Historic England - Historic England does not object to the scheme, we recognise that the level of harm being caused has been minimised as far as possible. BaNES Council must ensure that the harm is justified against the public benefit and the potential for alternative uses of the site

Bath Preservation Trust - Support the application. The scheme is much-improved, and supportive of the revisions made to the design of the extension with regards to its reduced height, scale, and massing, and use of materials.

13 objection comments have been received. These can be summarised as follows:

- Impact upon biodiversity/ecological implications - mitigation not sufficient/convincing
- Concerns with regards to construction, this should not be left to condition
- Impacts on neighbours during construction
- The change in the setting of the listed buildings is ignored
- Damage to listed building
- Objection to the loss of the garden area
- Open space should be regenerated and given public access
- Impact upon the World Heritage Site
- Impact upon the neighbouring occupiers
- Lack of need for the hotel and contrary to Local Plan data
- Long term viability can not be guaranteed
- Transport/highway issues
- Objections to the loss of the turret
  
- Preferable uses for the building

- The design including the revised bulk and massing, detailing and materials is over-bearing and out-of-scale
- Archaeological remains and features may be damaged
- Conflicts with climate and ecological emergency
- Objection to the sustainable construction methods
- 

1 supporting comments

- Buildings of this size and magnitude cannot be allowed to fall into disrepair
  - The use will not be a financial burden on the city.
  - Converting this building into a hotel will save the building, create employment and produce revenue for the city
- 0

**POLICIES/LEGISLATION**

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

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

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

The statutory Development Plan for B&NES comprises:

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

**RELEVANT CORE STRATEGY POLICIES**

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

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

## CP6 Environmental Quality

### RELEVANT PLACEMAKING PLAN POLICIES

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

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

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

### SUPPLEMENTARY PLANNING DOCUMENTS AND ADDITIONAL GUIDANCE

City of Bath World Heritage Site Setting SPD (2013)

Bath City-wide Character Appraisal SPD (2015)

### **Low Carbon and Sustainable Credentials:**

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

### LOW CARBON AND SUSTAINABLE CREDENTIALS

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

### **OFFICER ASSESSMENT**

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

#### Significance of heritage assets affected

Paragraph 189 of the NPPF explains that Local Planning Authorities should require the applicant to describe the significance of the heritage assets affected, including any contribution made by their setting. As noted above, the building is Grade II \* Listed building, within the heart of the Conservation Area and World Heritage Site. Further the garden area is a Schedule Monument and the site is in close proximity to a number of further listed buildings. The submission includes a thorough assessment of the significance of the heritage assets in relation to the proposals, and officers are satisfied that they have enough evidence on which to base their assessment.

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

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

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

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

#### Conversion/ New Use

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

Securing the optimum viable use for this building is essential to achieve a successful sustainable outcome for this site. Where a heritage asset is capable of having a new use, then securing its optimum viable use should be taken into account in assessing the public benefits of a proposed development. The application supporting documents explains that when the NHS sold the building, 16 offers were submitted to purchase the building and 9 were shortlisted, all of which were for hotels as a primary or sole use. All other offers,

including offers involving residential, hotel and student uses (some including a mix of uses) were materially lower than the 9 shortlisted offers.

It is understood that the main aim of the disposal process was to maximise value. This was so that the RUH NHS Foundation Trust could use the sale proceeds to invest in a new hospital facility. However, it is noted that optimum viable use is not simply the most profitable one. The submitted Viability and Suitability Statement prepared by Savills sets out how the conversion of the building carries significant abnormal costs and risks. Alternative potential uses for the building, could, in their view, result in more harm to the heritage value of the site or not represent the optimum use. Most commercial or residential uses would be unlikely to include the level of public access, or ongoing heritage interpretation, proposed with a leisure/tourism use.

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

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

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

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

#### Internal alterations

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

The best conserved part of the interior is the West Wing's reception hall and staircase area, the Chapel and the undercroft beneath it and the East Wing's Violet Ward and suite of rooms around the original front entrance, together with parts of the basement and upper

rooms on the second floor. These are now to be retained as open spaces. The Violet Ward which is considered to be the best preserved of the hospital's wards being unaltered since the 18th century, is to be used as a single uninterrupted meeting space.

Details have been provided showing the structural engineering response to the proposed alterations within the listed hospital wings. The initial assessments of the proposals indicate that the new roof structure for the west wing and other interventions should be manageable and not impact negatively on the historic fabric and structure of the listed building. However, a further report should be requested by way of condition should the applications be approved to ensure that no structural failings hitherto not discovered may impinge on the implementation of this conversion and new build, especially in relation to the new roof extension on the west wing.

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

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

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

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

The revised scheme includes the introduction of a new staircase between ground and basement restaurants within the West Wing. This has been located within the part of the building reconstructed following bomb damage in the 1960s and appears to be aligned to the original primary structure of the vaults below to allow minimal intervention and retention of most of the plan for the lobby spaces in the chapel above. The new stair will require the removal of approximately 6.5 m<sup>2</sup> of existing floor structure, probably dating from 1859-61. This represents 5.6% of the total vaulted floor area beneath the Chapel and anteroom. This area falls outside of the principal vaulted space supporting the Chapel above but does entail the loss of one of the lobby spaces to the chapel and a similar area within the basement vaults.

Little physical assessment has been made of the area of the ceiling/floor that require demolition to install these stairs. In the Heritage Impact Statement assessment of the

fabric and space where the stairs are proposed has concluded that it is of 'considerable significance', suggesting that it is likely to be original rather than replacement bomb damaged fabric. The proposal to remove a section of floor within the vestibule/lobby area to the Chapel and the equivalent area of ceiling from the vaults below is therefore most likely to result in loss of original fabric that will also involve the disruption to a series of geometric quarry tiles, which are deemed to be of heritage significance, at one time covering the entire Chapel floor.

In line with current NPPF guidelines this loss of potentially original fabric will result in harm to the asset. It is proposed to mitigate this loss by taking the opportunity to repair the badly damaged original quarry floor tiles in the centre of the chapel space with those which will be saved from the removal of this section of floor. This will ensure that the replacement tiles are both genuine like-for-like replacements and that they will be of the same age and source with a consistent patina of age. It is also considered that within the overall context of the proposals for the site, this small loss of fabric is of less than substantial harm, and partly mitigated by the heritage benefits associated with repairing the damaged tiles.

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

Surveys of the windows and doors within the building have been undertaken revealing that there are two surviving original Georgian windows in the basement in the east wing, but much of the remaining fenestration is 20th century. Similarly, many of the doors have either been upgraded to fire doors or are later 20th century.

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

Where new windows are proposed to be installed for example on the rear of the west wing where the staircase tower is to be removed, double glazed units are proposed. If planning permission is granted, a condition requiring more details of both forms of glazing will be required. However, in both cases these details accord with the principles of Bath and North East Somerset's guidance on Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings,

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

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

## Extension

As with the previous application, the development proposes an extension located against the south elevation of the west wing which will be accommodated within the existing car park area and on a small portion of the Hospital garden. The design of the extension has been revised in response to the previous reasons for refusal detailed above.

The development proposes a 3-storey extension inked to the west wing by a pedestrian covered glazed bridge, replacing a 1990's staircase turret. The Planning Metrics Schedule included within the submission confirms the proposal is 77% of the volume of the refused scheme; a reduced ridge height (0.8m); and a reduced eaves / shoulder height (1.2m). The submitted visually verified montages confirm that the proposal will only have a localised impact from publicly accessible viewpoints from Parsonage Lane and Bridewell Street, and private views from adjacent buildings.

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

It is documented within the Bath Conservation Area Character Appraisal that the over-development of private gardens can detract from the setting of the area and of listed and unlisted buildings. They provide important points of green undeveloped space in the urban landscape and need to be preserved.

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

The retention of a large proportion of the garden to the west of the site will ensure that the view from Bridewell Lane will retain the verdant character which has been identified as an important attribute. The garden areas will be re-landscaped as a small pleasure garden and will be accessible to the public using the hotel and restaurant. Whilst concerns with regards to the loss of the open space overall have been raised, the development is not considered to represent the overdevelopment of the garden area. However, notwithstanding this, the partial loss of this space will incur harm to the setting of the listed building and to the character and appearance of the Conservation Area and the OUVs of the World Heritage Site. In the language of the Framework, this harm is considered to be less than substantial harm. This harm will be considered alongside all harm in the overall planning balance.

The Design and Access Statement explains that the design of the revised rear extension has taken a more contextual approach and takes the form of an infill building linked to the host building by a bridge link at second floor level. The form of the building is more traditional, but it has contemporary detailing to enable it to read as a new addition.

The reduction of the height of the extension when compared to that of the refused application, has partly been achieved through the relocation of the roof plant within the ground floor. This is considered to be an improvement and allows for more suitable roof design that reflects the general roof forms of historic buildings within the immediate area. The revised extension has been designed with a cut away at upper floor levels decreasing the overall mass of the building and increasing the visual separation between the extension and the surrounding buildings.

The extension takes the form of a symmetrical, domestically proportioned and scaled development that provides a more considered front elevation with Georgian elements of diminishing proportions for the fenestration facing onto Parsonage Lane. The polite design and use of a domestic-style scale and layout are compatible with its streetscape setting in this backland context, and successfully aligns with the neighbouring building at Parsonage Lane .

The glazed link is significantly reduced in size, when compared to the refused extension and now forms an elevated passage link running between the first floors. This light touch approach enables the rear facade of the west Wing to remain visible as an external element rather than partially concealed and allows the historic balcony free from being enclosed within other structures. This newly created forecourt will enable views of the former Hospital to be retained as well as provide a visual connection to the gardens and Bridewell Lane beyond.

The extension achieves a respectful subservience towards the chapel's apse that protrudes into the lane. This allows for the Chapel Apse, a significant feature to have prominence in the street scene. The scheme also encloses the awkward sub-station that has caused difficulties being integrated into the previous scheme. This is considered to be a more appropriate design that better reflects the forms of extension that historically would have been used in similar contexts throughout the city.

The modest introduction of green wall planting to some aspects of the new block should add contemporary flair to the scheme and encourage biodiversity, subject to a careful management regime. As this is an important aspect of the design a robust management strategy should be required by condition.

The use of traditional materials such as Bath stone blends with the existing texture and colour palette of Parsonage Lane's backland character. The roof will be finished in a grey pre-patinated standing seam zinc which will ensure the new form integrates into the city's roofscape.

Overall, whilst there is accepted to be a degree of harm to the setting of the listed building, Conservation Area and World Heritage Site through the loss of the open space to the rear, the quality of this space is already partly eroded. This harm will be considered alongside any all harm in the planning section of this report. However, notwithstanding this, the

overall scale, design and materials used are considered to result in an acceptable addition to this former hospital building.

#### Further external works

The proposals include the remodelling of the 20th Century top floor of the west block.. This is betterment on the existing situation and a conservation gain. The material will be clad in a grey metal, and whilst this is a more contemporary material, its tone will ensure that the roof integrates the roofscape of the city. The proposal also include the installation of a green roof. This will be set behind a screen and will have limited impact upon any wider views.

The proposal also comprises re-opening the entrance to the East Wing on Upper Borough Walls, the reinstatement of basement windows fronting Upper Borough Walls,. There are no objections to these works.

#### Improvements to the public realm

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

The improvements to Parsonage Lane will involve resurfacing Parsonage Lane with pennant stone slabs and setts to the pavement and carriageway. Further to the improvements above, the applicant has agreed to make a capped contribution of up to £250k towards Upper Borough Walls Public Realm improvements. This would tie in with existing Council projects including the Bath High Street Renewal programme, and Bath City Centre Access Restrictions project is in progress which may give rise to future public realm works along Upper Borough Walls. These works have the potential to deliver public realm and listed building setting enhancement along the site frontage to Upper Borough Walls.

This would be a major improvement to the immediate public realm. In terms of the impact on the character and appearance of the Conservation Area together with the setting of the listed buildings that front onto this part of Parsonage Lane, and Upper Borough Walls, this would result in a positive enhancement to the public realm.

#### Public access

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

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

As noted above, great weight is given to the need to ensure that the public still have an element of public access to this building.

### Connection to hot springs

A feasibility study for the reconnection of the hospital to Bath hot springs mineral waters was previously commissioned. However, there are many difficulties associated with this, and this has not been able to be secured as part of this planning application. The difficulties relate to the levels of work and new piping required, and land ownership issues. Further, the increased abstraction of water, has a potential impact upon the pore pressure in the loose deposits at the top of King's Spring on which the Roman Baths sit.

### Fixtures and Fittings

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

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

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

### Historic Interpretation Strategy (HIS)

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

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

Further, as highlighted, the HIS contains an inventory of the fixtures and fittings removed from the building and details of how these may be used in the future.

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

The aims of this strategy can be secured via S106

### Conclusion on heritage matters

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

Harm has been identified due to the change of use of the building, through the loss of its original use and links to the hot springs. The change of use itself results in some harm from the change in plan forms as well as loss of historic fabric including that of the Chapel vaults and through the introduction of servicing/utilities. The extension itself causes a degree of harm due to the erosion of space to the rear and the connection to the south elevation and the setting of the hospital. This is considered to result in harm to the listed building and its setting, the Conservation Area and the World Heritage Site.

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

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

Within the above section of the report, it has been explained that a number of public benefits could be delivered through the scheme. The NPPG advises that public benefits may be anything that delivers economic, social or environmental progress as described in the NPPF but it must flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. It also recognises that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. What amounts to a relevant public benefit in a particular case is a matter for the decision-maker. So is the weight to be given to such benefits as material considerations.

Public benefits may include heritage benefits, such as reducing or removing risks to a heritage asset and/or securing its optimum viable use in support of its long-term conservation. It is considered that this scheme will achieve a new use for this building

which is now vacant with the new investment and use ensuring that the building does not remain empty putting the heritage asset at risk. The scheme must be considered as a whole, and the extension is an integral part of the scheme as submitted. It is considered that the hotel use will allow continued public access to the building which is of high importance. Through measures outlined within the submission including the HIS, the public will be able to have a continued understanding of the history of the building, and a better appreciation of assets such as the Roman Mosaics which will be located in publicly accessible parts of the building.

Further benefits include public realm improvements to Parsonage Lane and Upper Borough Walls which will result in enhancements to the setting of the listed building, and neighbouring listed buildings, as well as the Conservation Area and World Heritage Site. Heritage gains will be achieved through removing late 20th century detrimental fabric from the hospital's interior, restoring and maintaining the more significant rooms within the buildings and improvements to the roof of the west wing.

NPPG confirms that all types of public benefits can be taken together and weighed against harm and these do not need to be solely heritage benefits. Further non heritage benefits also include the provision of additional CCTV in the area (detailed below) and associated economic benefits of bringing a new occupiers into this building including the increased employment opportunities.

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

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

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Significant attention has been given to ensure that this duty under Section 16 of the Act is fulfilled. Detailed negotiations have been undertaken to ensure that any harm to the listed building and its setting is minimised and the enhancements maximised.

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

Based on the above, the proposals are considered to overcome the previous reason for refusal. It is therefore recommended that listed building consent is granted.

## **RECOMMENDATION**

### **CONSENT**

## **CONDITIONS**

### **1 Time Limit - Listed Building Consent (Compliance)**

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

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

### **2 Contract for Redevelopment (Pre-commencement)**

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

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

### **3 Archaeology - Historic Building Recording (Pre-commencement)**

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

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

### **4 Protecting Architectural Features (Pre-commencement)**

No development shall commence until detailed drawings identifying the architectural features which are to be retained and the method by which these features will be safeguarded during the carrying out of the approved development have been submitted to and approved in writing by the Local Planning Authority. The approved protective

measures shall be implemented and kept in place in accordance with the details so approved for the duration of the development works.

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

#### **5 Stripping Out Phase (Pre-commencement)**

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

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

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

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

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

#### **7 Schedule of Repairs (Bespoke Trigger)**

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

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

### **8 Scaffolding details (Bespoke Trigger)**

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

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

### **9 Stone Cleaning Sample (Pre-commencement)**

No work shall commence on the stone cleaning of the existing buildings; until a sample panel has been provided in-situ to establish the final parameters of the stone cleaning and approved in writing by the Local Planning Authority. The approved panel shall be kept on site for reference until the development is completed. Thereafter the work shall only be carried out in accordance with the approved sample panel.

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

### **10 Stone repairs and Mortar Mix (Bespoke Trigger)**

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

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

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

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

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

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

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

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

### **13 Joinery Details (Bespoke Trigger)**

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

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

### **14 Joinery Details (Bespoke Trigger)**

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

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

### **15 Flooring Details (Bespoke Trigger)**

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

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

### **16 Fireplace Details (Bespoke Trigger)**

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

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

### **17 New Service details (Bespoke Trigger)**

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

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

### **18 Special Feature Details (Bespoke Trigger)**

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

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

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

### **19 Installation of lighting (Bespoke Trigger)**

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

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

#### **20 Installation of staircase (Bespoke Trigger)**

Prior to the installation of the new staircase between the basement and chapel, details in the form of 1:20 drawings showing the balustrading and materials for the stairs shall be submitted for the approval in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved detail.

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

#### **21 Installation of external railings (Bespoke Trigger)**

Prior to the installation of any external railings around the chapel's apse, details in the form of 1:20 drawings shall be submitted for the approval in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved detail.

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

#### **22 Structural engineering report.(bespoke)**

A follow-up report by Integral Engineering Design providing more detailed assessment of further investigations into the hospital buildings structural integrity and load bearing capabilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved detail.

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

#### **23 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:**

##### **0 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.

06 Jul 2021	1474 050 C	PARSONAGE LANE (E) ELEVATION AS PROPOSED
06 Jul 2021	1474 051 C	BRIDEWELL LANE (W) ELEVATION AS PROPOSED
06 Jul 2021	1474 052 C	SECTIONAL ELEVATIONS (N&S) AS PROPOSED
06 Jul 2021	1474 053 C	UPPER BOROUGH WALLS (N) ELEVATION AS PROPOSED
06 Jul 2021	1474 061 C	SECTION BB (E-W) AS PROPOSED
06 Jul 2021	1474 071 D	GROUND FLOOR PLAN AS PROPOSED
06 Jul 2021	1474 072 C	MEZZANINE PLAN AS PROPOSED
06 Jul 2021	1474 072 C	PROPOSED MEZZANINE FLOOR PLAN - COLOURED
06 Jul 2021	1474 073 C	FIRST FLOOR PLAN AS PROPOSED
06 Jul 2021	1474 074 C	SECOND FLOOR PLAN AS PROPOSED
06 Jul 2021	1474 075 C	THIRD FLOOR PLAN AS PROPOSED
06 Jul 2021	1474 076 C	ROOF PLAN AS PROPOSED
06 Jul 2021	1474 081 D	PROPOSED GROUND FLOOR PLAN - COLOURED
06 Jul 2021	1474 083 C	PROPOSED FIRST FLOOR PLAN - COLOURED
06 Jul 2021	1474 084 C	PROPOSED SECOND FLOOR PLAN - COLOURED
06 Jul 2021	1474 085 C	PROPOSED THIRD FLOOR PLAN - COLOURED
06 Jul 2021	1474 091 C	SUPERVISED PUBLIC AREAS - GROUND FLOOR
06 Jul 2021	1474 093 C	SUPERVISED PUBLIC AREAS - FIRST FLOOR
06 Jul 2021	171-001 P3	LANDSCAPE PLAN
06 Jul 2021	171-201 P3	PLANTING PLAN - GROUND FLOOR
06 Jul 2021	171-800 P3	ILLUSTRATIVE MASTERPLAN
12 Apr 2021	1000	EXISTING BASEMENT FLOOR PLAN
12 Apr 2021	1001	EXISTING GROUND FLOOR PLAN
12 Apr 2021	1002	EXISTING MEZZANINE FLOOR PLAN
12 Apr 2021	1003	EXISTING FIRST FLOOR PLAN
12 Apr 2021	1004	EXISTING SECOND FLOOR PLAN
12 Apr 2021	1005	EXISTING THIRD FLOOR PLAN
12 Apr 2021	1474 001 B	LOCATION PLAN
12 Apr 2021	1474 005 B	BLOCK PLAN AS EXISTING
12 Apr 2021	1474 010 B	BASEMENT PLAN AS EXISTING
12 Apr 2021	1474 011 B	GROUND FLOOR PLAN AS EXISTING
12 Apr 2021	1474 012 B	MEZZANINE PLAN AS EXISTING
12 Apr 2021	1474 013 B	FIRST FLOOR PLAN AS EXISTING
12 Apr 2021	1474 014 B	SECOND FLOOR PLAN AS EXISTING
12 Apr 2021	1474 015 B	THIRD FLOOR PLAN AS EXISTING
12 Apr 2021	1474 016 B	ROOF PLAN AS EXISTING
12 Apr 2021	1474 020 B	PARSONAGE LANE (E) ELEVATION AS EXISTING
12 Apr 2021	1474 02004 B	PROPOSED AND EXISTING COURTYARD ELEVATIONS
12 Apr 2021	1474 021 B	BRIDEWELL LANE (W) ELEVATION AS EXISTING
12 Apr 2021	1474 022 B	SECTIONAL ELEVATIONS (N AND S) AS EXISTI..
12 Apr 2021	1474 023 B	UPPER BOROUGH WALLS (N) ELEVATION AS EXISTIN
12 Apr 2021	1474 024 B	UNION STREET (E) AND PARSONAGE LANE (W)
12 Apr 2021	1474 030 B	SECTION AA (N-S) AS EXISTING
12 Apr 2021	1474 031 B	SECTION BB (E-W) AS EXISTING
12 Apr 2021	1474 032 B	SECTIONAL ELEVATION THROUGH 3 PARSONAGE
12 Apr 2021	1474 054 B	UNION STREET (E) AND PARSONAGE LANE (W)
12 Apr 2021	1474 060 B	SECTION AA (N-S) AS PROPOSED

12 Apr 2021	1474 080 B	PROPOSED BASEMENT FLOOR PLAN - COLOURED
12 Apr 2021	1474 082 B	PROPOSED MEZZANINE FLOOR PLAN - COLOURED
12 Apr 2021	1474 082 B	PROPOSED MEZZANINE FLOOR PLAN - COLOURED...
12 Apr 2021	1474 095 B	BASEMENT - DIFFERENCES FROM REFUSED SCHEME
12 Apr 2021	1474 096 B	GROUND FLOOR - DIFFERENCES FROM REFUSED SCHEME
12 Apr 2021	1474 097 B	FIRST FLOOR - DIFFERENCES FROM REFUSED SCHEME
12 Apr 2021	1474 098 B	ROOF PLAN - DIFFERENCES FROM REFUSED SCHEME
12 Apr 2021	1474 102 B	PROPOSED RAISED FLOOR AND STAIRS
12 Apr 2021	1474 103 B	PROPOSED BASEMENT LIGHTWELL WORKS
12 Apr 2021	1474 12001 B	TYPICAL WINDOW WALL AND COLUMN DETAILS
12 Apr 2021	1474 12011 B	PROPOSED LIFT SHAFT OPENING TYPICAL DETAIL
12 Apr 2021	1474 12012 B	PROPOSED RISER REINSTATED (EAST WING)
12 Apr 2021	1474 12013 B	PROPOSED SERVICE RISERS (WEST WING)
12 Apr 2021	1474 12014 B	PROPOSED RECONSTRUCTION OF SOUTH RANGE
12 Apr 2021	1474 13001 B	PROPOSED GLAZED BALUSTRADE SURROUNDING
12 Apr 2021	1474 13005 B	PROPOSED REINSTATED FIREPLACE AND WALL I.
12 Apr 2021	1474 13007 B	PROPOSED STEEL STAIR AND LIFT
12 Apr 2021	1474 13011 B	PROPOSED MINERAL WATER POOL COURTYARD
12 Apr 2021	1474 13012 B	PROPOSED LIGHTWELL AND WINDOW
12 Apr 2021	1474 14001 B	PROPOSED ARCHED GLAZED SCREENS AND DOORS
12 Apr 2021	1474 14002 B	PROPOSED ENTRY DOOR
12 Apr 2021	1474 14005 B	PROPOSED ACCESSIBILITY MODIFICATIO
12 Apr 2021	1474 14008 B	PROPOSED MODIFICATIONS TO APSE
12 Apr 2021	1474 14013 B	PROPOSED POOL INFILL AND FLOOR WORKS
12 Apr 2021	1474 15002 B	PROPOSED WORKS WITHIN CHAPEL VAULTS
12 Apr 2021	1474 16001 B	PROPOSED OPENINGS IN FIRE RATED WALL
12 Apr 2021	1474 17006 B	KINGS WARD POD BEDROOM
12 Apr 2021	1474 18002 B	TYPICAL ELEVATION NEW CLADDING PROPOSALS
12 Apr 2021	1474 30302 B	PROPOSED SECTION - WEST WING COURTYARD
12 Apr 2021	1474 D1001 B	DEMOLITION PLAN BASEMENT FLOOR
12 Apr 2021	1474 D1002 B	DEMOLITION PLAN GROUND FLOOR
12 Apr 2021	1474 D1003 B	DEMOLITION PLAN MEZZANINE FLOOR
12 Apr 2021	1474 D1004 B	DEMOLITION PLAN FIRST FLOOR
12 Apr 2021	1474 D1005 B	DEMOLITION PLAN SECOND FLOOR
12 Apr 2021	1474 D1006 B	DEMOLITION PLAN THIRD FLOOR
12 Apr 2021	1474 D1007 B	DEMOLITION PLAN ROOF
12 Apr 2021	171-001 P2	(SUPERSEDED) LANDSCAPE PLAN
12 Apr 2021	171-002 P2	STREETSCAPE GA
12 Apr 2021	171-003 P2	STREETSCAPE GA
12 Apr 2021	171-004 P2	STREETSCAPE GA
12 Apr 2021	171-201 P2	(SUPERSEDED) PLANTING PLAN - GROUND FLOO
12 Apr 2021	171-202 P2	PLANTING PLAN - ROOFSCAPE
12 Apr 2021	171-203 P2	PLANTING PLAN - LIVING WALLS
12 Apr 2021	171-401 P2	TREE PIT DETAILS
12 Apr 2021	171-402 P2	PAVING DETAILS
12 Apr 2021	171-501 P2	SECTION ELEVATIONS AA-CC
12 Apr 2021	171-502 P2	SECTION ELEVATION DD
12 Apr 2021	171-800 P2	ILLUSTRATIVE MASTERPLAN

12 Apr 2021 171-SCH-001 P2 PLANT SCHEDULE  
12 Apr 2021 2000 EXISTING BASEMENT FLOOR PLAN  
12 Apr 2021 2001 EXISTING GROUND FLOOR PLAN  
12 Apr 2021 2002 EXISTING FIRST FLOOR PLAN  
12 Apr 2021 2003 EXISTING SECOND FLOOR PLAN  
12 Apr 2021 3000 ANNEX EXISTING PLANS AND ELEVATIONS  
12 Apr 2021 D14 377 01 P5 REV C TREE PROTECTION PLAN

### **0 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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

**Item No:** 06  
**Application No:** 21/00435/ERE03  
**Site Location:** Ministry Of Defence Storage And Distribution Centre Pixash Lane  
Keynsham Bristol Bath And North East Somerset



**Ward:** Keynsham East                      **Parish:** Keynsham Town Council                      **LB Grade:** N/A

**Ward Members:** Councillor Hal McFie                      Councillor Andy Wait

**Application Type:** Reg03 app with EIA attached

**Proposal:** Redevelopment and consolidation of existing depot site and adjacent land with associated staff parking and access and landscaping works to include the provision of the following: (i) a public re-use and recycling centre (RRC); (ii) material recovery facility (MRF); (iii) waste transfer station (WTS); (iv) Trader (bulky waste); Trade Waste Transfer Station (TWTS); (v) vehicle fleet storage and maintenance; (vi) MOT centre (public); (vii) BANES Parks and Grounds maintenance storage; (viii) BANES Highways winter service and salt store; and ancillary offices.

**Constraints:** Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Contaminated Land, Policy CP9 Affordable Housing Zones, Policy ED2A Strategic & Other Primary In, LLFA - Flood Risk Management, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, Railway, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** B&NES

**Expiry Date:** 6th May 2021

**Case Officer:** Tessa Hampden

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

## REPORT

Reason for reporting to committee

This application is reported to committee as the applicant is the Council, and it involves more than two properties. Therefore in line with the Scheme of Delegation, it must be referred to committee. The application has also been called to committee by Cllr Wait as he considers the committee should have an overview of the large scale development on the site.

The applicant withdrew the planning application from the June Planning Committee meeting to enable them to provide the assurances required by planning committee members following their site visit that there will be no break in household waste and recycling facility provision for Bath residents as a result of the proposal for a new consolidated waste depot at Pixash Lane, Keynsham.

Whilst this does not alter the conclusions of the report,, the applicant is able to provide these reassurances. The Council highlighted in October of last year that it would not close the public recycling centre in Bath until alternatives are in place for Bath residents. The Council has also made significant progress in evaluating how these facilities for Bath residents will be provided, including carrying out sequential testing to identify suitable sites. Site proposals will be published later in the year.

The Council's commitment to providing replacement household recycling in Bath following the closure of the existing facilities at Midland Road will also be reaffirmed in a report due to be considered by the Council's Cabinet on 20th July

#### Site description and proposal

The application relates to land located off Pixash Lane and Worlds End Lane on the north eastern edge of the settlement of Keynsham. The land extends to approximately 4.07ha and consists of an existing public recycling facility which occupies its north west quadrant; two green fields which occupy its north east quadrant, and the former MoD storage site which occupies its south western quadrant. The site also formally contained the detached and ancillary buildings of Old Longfield Nursery and Downfield Farm, but these have recently been demolished.

The site is bounded to the west by Pixash Lane; to the north by the main Bristol to Bath Railway Line; to the east by open farmland fields; and to the south by World's End Lane. The site lies within the low lying and relatively flat Avon River Valley but ground levels rise to its north to the Cotswolds Plateau and to its south to the Hinton Blewitt and Newton St Loe plateau. The Green Belt boundary lies just to the north and east of the site.

The application seeks planning permission for the redevelopment and consolidation of the existing depot site and adjacent land with associated staff parking and access and landscaping works. The development forms part of a district wide strategy to accommodate a new consolidated depot that has been designed to meet current and future predicted needs over a 40-year time period on a site that has been assembled specifically for this purpose. The development includes the provision of the following:

- (i) a public re-use and recycling centre (RRC);
- (ii) material recovery facility (MRF);

- (iii) waste transfer station (WTS);
- (iv) Trader (bulky waste); Trade Waste Transfer Station (TWTS);
- (v) Vehicle fleet storage and maintenance;
- (vi) MOT centre (public);
- (vii) BANES Parks and Grounds maintenance storage; and
- (viii) BANES Highways winter service and salt store & ancillary offices.

The planning application has been submitted with a voluntary Environment Statement that has been informed by a Scoping Opinion provided by the Local Planning Authority.

#### Relevant planning history

20/04388/DEM - Prior approval required 29 December 2020 - Demolition of existing maintenance facility (2 no. buildings); existing agricultural buildings (4 no. buildings ancillary to agricultural holding); and 2 no. existing dwellings (Longreach and Downend Farm).

21/00191/DEMA - Approve - 12 February 2021 - Demolition of existing maintenance facility (2 no buildings), existing agricultural buildings (4 no buildings ancillary to agricultural holding) and 2 no existing dwellings (Longreach and Downend Farm)

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Planning Policy - No objection

Drainage Engineer - No objection subject to conditions

Archaeology - No objection subject to conditions

Conservation - No objection

Environmental Monitoring/Air Quality - No objection subject to conditions

Network Rail - No objection

Ecology - No objection subject to conditions

Natural England - No objection subject to conditions

Conservation - No objection

Environment Agency - no objection subject to conditions and an Environmental Permit being secured

Contaminated Land - no objection subject to conditions

Cllr Wait - Requests that this application should be heard at committee. Whilst appreciating that each application needs to be treated on its own merit, the committee should have an overview of the large scale development on that site. The media and

public who are largely unaware of these plans should be kept informed in the spirit of openness and transparency which are the fundamental considerations of this council

Keynsham Town Council - Support - There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017. The granting of permission on this application should be under the proviso that the development proposal including the construction process, materials used, and design should adhere to the B&NES Council's Sustainable Construction Planning Document checklist and all Environmental Policies.

Compton Dando Parish Council - Comments only - They have concerns over the increase in traffic especially as this is already increasing due to the housing developments in the area. The Parish Council request that the replacement sites for the Midland Road site in Bath, should be up and running before work starts on the Pixash Lane development.

6 objections have been received. The objection comments can be summarised as follow:

- Lack of publicity prior to submission
- Traffic and access issues including queuing/parking on Pixash resulting in the blocking of third party access
- Impact on traffic if a Bath recycling site is not secured
- Impact of air quality on nearby residents both through operations on site and increase in traffic
- Lack of details in relation to extraction and odour suppression equipment
- Concerns of the siting of facilities in close proximity to the neighbouring occupiers
- Increased vermin/seagulls
- Noise/odour issues
- General residential amenity concerns
- Inappropriate piecemeal development
- Lack of consideration for residents
- Cumulative impact of development
- Ecological implications
- Loss of privacy
- Visual impact
- Construction management issues
- Drainage concerns

## **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:
  - 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 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
- SD1: Presumption in favour of Sustainable Development
- KE1: Keynsham Spatial Strategy
- KE3A: Land adjoining East Keynsham: Strategic Site Allocation
- CP2: Sustainable Construction
- CP5: Flood Risk Management
- CP6: Environmental Quality
- CP7: Green Infrastructure
- CP13: Infrastructure Provision
- CP4 District Heating

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:

- KE1: Keynsham Spatial Strategy
- KE3A: Land adjoining East Keynsham: Strategic Site Allocation
- D1: General Urban Design Principles (see extract below)
- D2: Local Character and Distinctiveness
- D4 - Streets and spaces
- D5 - Building design
- GB1 - Visual amenities of the Green Belt
- D6: Amenity
- D8: Lighting
- ED2A: Strategic and Other Primary Industrial Estates
- H1 - Historic environment
- SU1 - Sustainable Drainage
- NE1 - Development and Green Infrastructure
- NE2 Conserving And Enhancing The Landscape And Landscape Character
- NE2A Landscapes setting of settlements
- NE3 - Sites, species and habitats
- NE4 Ecosystem Services 113
- NE5 Ecological networks
- NE6 - Trees
- ST1 - Promoting Sustainable Travel
- ST7 - Transport requirements for managing development
- SCR1 On-site renewable energy requirement
- SCR2 Roof Mounted/Building Integrated Scale Solar PV
- SCR5 Water Efficiency
- PCS1 Pollution and nuisance 128
- PCS2 Noise and vibration 129
- PCS3 Air quality

PCS4: Hazardous Substances  
PCS5 Contamination  
PCS6 Unstable land  
PCS7A Foul sewage infrastructure  
CP5 Flood Risk Management  
CP13 Infrastructure Provision  
DW1: District Wide Spatial Strategy  
SD1: Presumption in favour of sustainable development  
H5 - Retention of housing stock

Relevant policies from the Joint Waste Core Strategy include:

- o Policy 1 - Waste Prevention
- o Policy 2 - Non-residual waste treatment facilities (excluding open windrow composting)
- o Policy 11 - Planning Designations
- o Policy 12 - General Considerations

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

## 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**

### Environmental Statement

Given the likely significant effects on the environment of the proposed development an Environmental Statement (ES) has been submitted with the application. The ES sets out the findings of the assessment of environmental effects, and measures to mitigate those impacts where appropriate.

The EIA Regulations state that the Council cannot grant planning permission in respect of an EIA application unless it has first taken the environmental information into consideration and must state in its decision that it has done so. The environmental information means the ES, any further or other information received, any representations made by any consultation bodies and any representations made by any other person about the environmental effects of the proposed development.

The assessment of environmental effects and proposed mitigation form an integral part of the consideration of the proposed development set out in this report. To avoid repetition the findings of the ES are reported below as part of the assessment of the planning issues, together with responses to consultations and other representations received.

## Principle of development

The application site is located within the Policy KE3a site allocation within the Placemaking Plan (PMP). Policy KE3a allocates land to the north of the A4, as identified on the Policies Map and on Diagram 23 (strategic site allocation concept diagram) for around 30,000sqm of employment floorspace within use classes B1(b) and (c), B2 and any employment use not falling within the National Policy Framework (NPPF) definition of a main town centre use. Paragraph 95A of the PMP states that Policy KE3a was amended from that originally allocated in the Core Strategy (CS) to include the Pixash Lane waste site in order to enable the delivery of a waste management facility.

PMP Policy KE1 explains that an element of the strategy for Keynsham is to retain and extend the Pixash Lane Industrial Site as an area for business activity. The development is broadly in line with this objective.

Policy 2 of the West of England Joint Waste Core Strategy (JWCS) is supportive of the provision of non-residual waste treatment facilities on land that is allocated in the Development Plan for industrial or storage proposals.

The site formally contained two residential properties but these have been now been demolished under a Prior Approval Notification. However, there was no expectation within PMP policy KE3a that these use would be retained.

The principle of development is therefore supported.

Paragraph 95A of the PMP states that development of such a waste facility would be subject to the PMP principles set out in Policy KE3a and the policies in the Joint Waste Core Strategy. The relevant placemaking principles will be considered in the wider assessment of these proposals.

## Master Plan

Policy KE3a requires the submission of a comprehensive masterplan which needs to be consulted on publicly, and agreed by the Council, reflecting best practice as embodied in 'By Design' (or successor guidance), ensuring that development is well integrated with neighbouring areas.

A Masterplan has been submitted with the application and this encompasses the whole of the employment site allocation. The level of detail that has been provided in the submission is sufficient to comply with the requirement in Policy KE3a.

## Highway safety

A Transport Assessment (TA) and subsequent addendums to this TA have been submitted to and reviewed by the Council's Highway Team. The scope of the TA submitted in support of the application assessed the impact of the development between The Globe roundabout and Broadmead roundabout.

The traffic generation is based upon the worst-case scenario whereby the existing Midland Road RRC visits transfer to Pixash Lane. BANES Waste Services Team have forecast 329,423 visits to Pixash Lane across the year April 2027 to March 2028, should no new facility be provided in Bath. However, this is the worst case scenario and it is understood that the Council has committed to provide ongoing household recycling facilities in Bath, which is the subject of separate consultation and delivery project. Based on the worst case scenario, the number of visits on a typical day will increase from 464 to 852.

Since the withdrawal of the Planning Application from committee, an additional Transport Assessment Explanatory Note has been submitted where the applicant has reiterated its commitment to ensure that there will be no break in RRC facility provision for Bath residents as a result of the proposed new consolidated waste depot at Pixash Lane. It explains that a consequence of this commitment is that use of worst case assumptions within the TA, significantly overestimates the actual traffic impact of the proposals.

Most of the staff arrive between 06:00 hours and 07:00 hours with refuse collection vehicles (RCVs) departing shortly afterwards. RCVs return from their 'second round' between 14:00 hours and 15:00 hours with most staff departing shortly afterwards. The TA forecasts 23 two-way trips during the am peak period (08:00 hours to 09:00 hours) and two, two-way trips between 17:00 hours and 18:00 hours (recognised pm peak period).

Given that appropriate survey data is not available for the Globe roundabout and that there is currently no indication as to when reliable traffic flow data can be collected, officers accept the applicant's Transport Consultant's conclusion that the impact of the traffic forecast to be generated by the proposals on the operation of the 'Globe' roundabout will be small and does not warrant further investigation.

TA Addendum 3 concludes that the vehicular trips forecast to be generated by the proposed consolidated site will not have an adverse impact on the operation of Broadmead Roundabout. The results of the modelling exercise have been independently reviewed by Aecom, one of the authority's framework partners, who conclude that the model is now validated. The impacts of the trips forecast to be generated by the development on Broadmead Roundabout are acceptable.

The highest Sunday peak demand is the only occasion on which queuing traffic is forecast to impact on the operation of the local highway network. The TA concludes that it is not appropriate to implement physical off-site mitigation measures to control queues that are unlikely to occur. The applicant proposes to introduce control measures to manage demand during peak periods to spread the arrivals and departures more evenly across the week and/or day. ANPR cameras proposed for the consolidated site will allow future demand to be monitored enabling peak periods to be predicted in advance and an on-line booking system to be implemented to manage the throughput and associated queuing at peak times. The number of bookings will be adjusted to ensure that no queuing traffic will impact upon the local highway network. Officers acknowledge that this booking system has worked very well during lockdown for Midland Road site primarily to manage social distancing restrictions however it also proved beneficial to managing highway impact. The implementation of a booking system will control the throughput and ensure that no queuing traffic will impact upon the local highway network.

The NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Based on the assessment of this application, there is not considered to be a severe highway impact.

Improvements to the existing pedestrian and cycle network for the extent of the red line boundary together with improvements between the application site and the A4 Bath Road, which include enhancement of the existing crossing of the A4 will be secured as part of the permission. Extending the improved walking and cycling infrastructure further east along World's End Lane could be delivered as allocated sites served by World's End Lane come forward.

### Onsite parking

The TA confirms that 72 existing members of the Ashmead Road Depot currently park on-street. The TA identifies a demand for between 140 and 154 parking spaces, with the additional demand being between 68 and 82 spaces which can be accommodated by the proposed number of 83 off-street, car parking spaces.

Should the Staff Travel Plan not meet the targeted reduction in the number of single occupancy car trips, the proposed staff car parking area to the east of the main administrative building and workshop building is likely to be overcapacity, with the possibility of overspill parking activities. The applicant has provided a written undertaking that any overspill car parking activities will be accommodated within the application site with no effect on the off-site, on-street highway network.

The operational areas of the proposed site will not be occupied by council vehicles during the day meaning that they can be made available for staff parking, if required. Shared use of the 14 small vehicle spaces has been incorporated into the parking calculations and a similar shared use of the medium sized vehicle and HGV spaces could accommodate at least a further 100 staff cars. Therefore officers are persuaded that under the worse-case scenario, all staff related parking activities could be accommodated.

### Site access

The operational access to the application site is proposed to be taken from Pixash Lane, via a vehicular access constructed directly opposite the eastern extent of Ashmead Road. Whilst the creation of a four-arm crossroads is contrary to good design practice, it is recognised that the long-term aspiration of the authority is to downgrade the section of Pixash Lane north of Ashmead Road to remove motor vehicles, thereby encouraging travel by more sustainable means of transport. This does not however form an adopted policy. Implementation of the authority's long-term aspiration will remove north-south vehicular movements from the section of Pixash Lane, north of Ashmead Road, with the east-west direction of travel becoming the predominant movement. Therefore, officers raise no objection to the creation of a four-arm crossroads given the likely impact of implementing the long-term aspiration.

At detailed design stage, details such as highway signage, carriageway markings, tactile and corduroy paving, street lighting etc. will be assessed. Should planning permission be

granted, all works within the adopted public highway and/or the creation of new highway, will be secured through a Section 278 Agreement (or similar) which will require the applicant to submit the detailed design package of the works.

The proposed relocation of the World's End Lane / Pixash Lane priority junction is acceptable in principle with a detailed design package being submitted, should planning permission be granted.

A Construction Management Plan has been submitted and this is considered to be acceptable. This can be secured via condition. The Sustainable Staff Travel Plan is considered to be acceptable

The following 'off-site' highway works will be secured as part of the development:

#### Prior to Commencement of Phase 1 Works

- Implementation of a highway signage strategy to discourage vehicles from using the section of Pixash Lane, between the A4 Bath Road and World's End Lane.

#### Prior to Completion of Phase 1 Works

- All highway works on Pixash Lane, including highway signage, carriageway markings, associated paving and any required Traffic Regulation Orders (TROs), as indicated on submitted plan reference 20024-GA05 Revision A (or a variation agreed by the Local Planning Authority);
- All highway works to World's End Lane, including its priority junction with Pixash Lane up to and including the Pixash Lane tangent points, including highway signage, carriageway markings, associated paving, and any required Traffic Regulation Orders (TROs) as indicated on submitted plan reference 20024- GA05 Revision A (or a variation agreed by the Local Planning Authority);
- Installation of tactile paving at the two existing pedestrian crossing points of the A4 Bath Road, including within the current central pedestrian refuge; and Page 21 of 24
- Installation of Real Time Information (RTI) screen in the existing pair of bus shelters on the A4 Bath Road, east of its priority junction with Pixash Lane.

#### Ecological considerations

Chapter 11 of the ES describes the assessment methodology, the baseline ecological conditions at the site and surroundings, the likely significant ecological effects, the mitigation measures required to prevent, reduce or offset any significant adverse effects, and the likely residual effects after these measures have been implemented. This, and the accompanying reports have been reviewed by the Council's Ecologist and Natural England.

The scheme will require removal of a significant amount of the existing trees, hedgerows and vegetation from within the site with the exception of a limited extent of retained habitat including the southern section of the eastern boundary hedgerow. It is accepted that the existing habitats on the site are overall not considered to be of irreplaceably high ecological value. The factors that are of particular ecological value relate more to existing

levels of habitat connectivity, and existing levels of darkness which provide for suitable conditions for bat flight routes.

In response to officer and Natural England comments, revised plans were submitted which demonstrated reduced light spill levels, alongside amendments and increases to landscaping and perimeter planting. These changes were designed to improve screening effects and provide a stronger east-west link along the southern boundary of the site, to maintain suitable connective habitat and sufficiently dark conditions for bats including light-sensitive horseshoe bats to use these features as flight routes.

The proposal acknowledges the ecological impacts of removal of the central hedgerow but considers that the creation of the eastern hedgerow would compensate for the loss of internal hedgerow, and alongside the eastern woodland would provide sufficient foraging and commuting habitat for horseshoe bats. This assessment is accepted. The provision of an additional 100m of off-site compensatory hedgerow is also now proposed. It is recognised that Placemaking Principle 8 attached to PMP KE3a and the accompanying Concept Diagram references the retention of this hedgerow. The purposes of this is to provide a strong landscape and green infrastructure framework. Given the replacement planting, it is considering that this aim is still achieved.

The site falls within 500m of the River Avon which lies to the north, and approximately 10km from component sites of the Bath Bradford on Avon Bats SAC which lies to the east. The River Avon is considered to provide supporting habitat to the SAC and provides habitat connectivity through rural and urban landscapes. Therefore habitat connectivity to the River Avon, and its proximity to the development site is a factor in assessing potential impacts of the proposal on the SAC. Following an Appropriate Assessment in accordance with the Regulations, BANEs officers, as the competent authority, has ascertained that the project would not have an adverse effect on the Bath and Bradford on Avon Bats SAC either alone or in combination with other plans or projects. This has been agreed by Natural England.

The scheme has been design so that connective landscape perimeter planting is provided and further strengthened, and planting and lighting is designed to provide suitable dark, connective, flight route conditions and habitat for bats including light-sensitive horseshoe bats associated with the SAC. Light spill modelling and lighting design state that conditions will remain dark and suitable for the use of retained and replacement and new planting by horseshoe bats.

Compliance with the landscaping scheme will be secured via the approval of the revised landscape plans. Long term habitat retention and maintenance are described in the submitted LEMP and adherence to this will be secured by condition. Long term monitoring and reporting will be requested as a part of this. Post completion monitoring and ground checks of operational lighting levels will be secured by condition.

An ecological follow-up report to demonstrate all features and measures have been completed and are in accordance with the approved details will also be secured by condition.

The limited extent of green infrastructure through and within the site remains of some concern to the Ecologist. The Ecologist does however recognise that in the overall

balance, the need for the facility may justify an absence of green infrastructure within and through the site. In addition, whilst the centre of the site will no longer provide suitable conditions this is suitably compensated by the design and connectivity of the new planting.

Proposed replacement and compensatory habitat provision comprise on-site perimeter tree and shrub belt planting, and off-site provision comprising an area of wildflower meadow creation and areas of new / reinforcement hedgerow planting, as detailed in the Biodiversity net gain and LEMP documents.

A Biodiversity Net Gain quantitative assessment has been undertaken using the DEFRA 2.0 (beta) metric, to demonstrate the change in biodiversity by comparing the existing to the proposed habitats. The proposed measures are sufficient to achieve a net gain for biodiversity and in this case the proposals are considered appropriate to the scheme. The BNG measures can be secured via condition.

### Landscape Impact

Policy NE2 infers that development will only be permitted where it conserves or enhances local landscape character, landscape features, local distinctiveness and important views; that development should seek to avoid or adequately mitigate any adverse impact on landscape. PMP principles 7,8 and 9 attached to PMP KE3a also relate directly to landscape matters.

Chapter 10 of the Environmental Statement, and the accompanying Landscape and Visual Impact Assessment (LVIA) undertakes an assessment of landscape character and visual amenity. It has considered the baseline conditions of the application site and its landscape setting. Sensitive receptors have been identified and an assessment of the potential effects arising from the proposed development during construction and at operation years 1 and 15 following completion has been made.

15 key public viewpoints were agreed for assessment, including close range views from the junction of Pixash Lane and Ashmead Road, World's End Lane and views from the Bristol and Bath Railway Path. Medium range views included views from the Bristol and Bath Railway Path, and from a public footpath at northern edge of Manor Road Community Woodland. Longer range views assessed included views from the public footpath south of Willsbridge/ Longwell Green and a view from Kelston Roundhill.

An assessment of the potential impacts on local landscape character during the construction phase has been carried out. This demonstrated that the landscape effects of the development would range from minor to moderate adverse effects on landscape character during construction. The assessment of visual effects concluded that during construction, visual effects are predicted to range greatly between neutral to substantial adverse and that the severity of the effect would generally reduce with increasing distance from the site. These impacts would be temporary and short lived.

The effect during operational phase will be permanent and the effects have been assessed 1 year and 15 years post construction. After 15 years the impacts on landscape character would reduce to neutral for all but the immediate locality of the application site itself as the proposed planting matures to visually contain and screen the development. Whilst the landscape character would fundamentally change due to the loss of open

agricultural land, this is to be expected on an allocated site. The development would not appear incongruous in close range views due to the context of the adjoining industrial estate.

It is recognised that there would be some adverse effects on visual amenity at close-range views where the difference from the existing situation would be most apparent. The development will be noticeable from the views such as Pixash Lane, and World End Lane. It would be difficult to completely conceal these buildings from these views given their scale and the function of the site. However along the southern boundary there would be a tall hedgerow and individual trees set within it. This would serve to lessen the prominence the development experienced at the public frontage.

This LVIA has informed the landscape strategy and the necessary mitigation. For example, the light white roof of the Pixash Works building in Ashmead Industrial Estate is highly conspicuous in a number of views and it is therefore vital the design of the buildings within this scheme better reflect their sensitive location. Further, the additional planting must be sufficient to screen the proposed buildings from these views.

Overall, appropriate mitigation measures for the site have been identified during the construction phase and operational phases. Substantial new tree planting at the boundaries is proposed with an emphasis at the northern and eastern boundaries. The proposed trees would include semi-mature stock with eventual mature heights of 10-20m. Substantial heights of trees at planting would give a degree of visual screening at the outset of operation. Future mature tree heights of up to 20m would relate to the maximum heights of the tallest components of the development, the tallest of which would be the ventilation extract flue at 20m above the MRF finished floor level. Additionally, the species selection would include both evergreen and deciduous trees to ensure a degree of year-round screening.

Areas of native structure planting would be associated with the blocks of new tree planting. By year 15 in the assessment, the structure planting would develop into a dense woodland block with a range of tree age, height and form when viewed in combination with the semi-mature planted stock.

Further to the tree planting mounding would be provided across the northern, eastern and south western boundaries which will effectively increase the height of trees planted on it. In the south west the mounded landform will aid in screening the RRC.

Roof and facade cladding materials on proposed buildings would be of visually recessive colours based on a limited palette of grey tones. Further to this, the MRF has been designed with a pattern of contrasting greys to its northern façade helping to visually break up the mass of this large building.

The submission concludes that the nature of the proposed development is in principle in-keeping with the existing landscape character, but only when combined with a landscape scheme of substantial tree and shrub planting concentrated at key boundaries so as to give effective containment and physical separation to otherwise anomalous land uses and character. There are no reasons for officers to disagree agree with this conclusion and officers are now satisfied that sufficient landscaping is in place to achieve these aims.

Beyond the site, to the north east and east the landform rises to reach a ridgeline above Upton Cheyney, North Stoke and Kelston to include locally significant high points such as Kelston Roundhill 4km to the east. This elevated region is within the Cotswolds AONB. It is noted that Natural England have advised that the LPA consider consulting the AONB Board although it must be recognised that they are not a statutory consultee.

The impacts upon the landscape character including that of the AONB has been fully considered in the LVIA and by officers. The Council are therefore considered to have fulfilled their duties in this regard and subject to the mitigation being in place, there is not considered to be harm to the landscape character of the AONB or its setting,

Paragraph 141 of the NPPF makes clear that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use and retain and enhance landscapes, visual amenity and biodiversity. Bath and North East Somerset Council's adopted Local Plan Policy GB1 states that development within or conspicuous from the Green Belt should not prejudice but should seek to enhance the visual amenity of the Green Belt by reason of its siting, design or the materials used for its construction. Subject to the robust landscape scheme and appropriate choice of materials, the development is not considered to harm the visual amenities of the Green Belt.

#### Site layout/design

As an allocated site, there is an acceptance that the character of the site will change as a result of the development. Given the nature of uses within the scheme, the development will naturally appear as an extension to the Ashmead Industrial Estate which is characterised by commercial development generally comprising light industrial units and office buildings. However, careful consideration must be given to matters such as scale, siting, materials and landscaping to ensure that the development does not compound any visual harm caused by this existing development as identified in the LVIA.

The development proposes a significant amount of built development on the site. It is however recognised that the scheme needs to design modern fit-for-purpose waste and recycling management facilities that are future proofed to allow increases from future housing growth. The submission explains that the scale of the development reflects the volumes and capacities required to establish the most efficient and sustainable operation. For example, the largest proposed facility on the site will be the MRF building. Predicted waste modelling forecasts have been used to determine storage capacity requirements and therefore the size of the building. Similar forecasts have been used to establish the sizes of other areas, such as the WTS, which takes into account current and project recycling trends.

Similarly the layout has been informed through functional requirements as well as site constraints. This allows for limited Green Infrastructure within the site and this has therefore been focussed on the site boundaries. However, a green wall with climbing plants has been included to the western elevation of the salt barn and across the retaining wall to the south. This aids in softening the built form in views from the west and on the approach from Pixash Lane.

The site is arranged to clearly separate public and council use. Public functions, such as the RRC, are located to the front of the site to give them greater prominence on the

approach from Pixash Lane. The siting of the office building and public uses towards the frontage of the site will allow the site to have an active frontage which is beneficial to the public realm.

The design of the buildings is generally dictated by their function as industrial buildings. The buildings will be primarily be constructed from within dark grey cladding which again reflects their function as modern industrial buildings but has also been driven by the need for the buildings to appear recessive in a wider contextual setting. An element of traditional materials, including natural lias limestone is to be used in the office building in compliance with Policy KE3a.

Overall, the scale, siting, appearance and landscaping of the scheme is considered to be acceptable.

### Arboricultural Matters

Policy NE6 states that development will only be permitted where it seeks to avoid any adverse impact on trees of wildlife, landscape and amenity value; includes appropriate retention and new planting of trees; and if it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development compensatory provision is made in accordance with the guidance in the Planning Obligations SPD.

The majority of trees within the site will be removed to accommodate the proposal. However, this change has in part been accepted through the concept diagram attached to KE3a in order for it to accommodate the necessary highway improvements and house the employment buildings. As reference above, PMP KE3a and the accompanying Concept Diagram references the retention of a hedgerow running north to south, the purposes of this was to provide a strong landscape and green infrastructure framework. Given the replacement planting, it is considered that this aim is still achieved. Overall the planting plan demonstrates that proposed tree removal can be fully compensated on site with new planting.

The Arboricultural Officer has raised some concerns with regards to pinch points in the green infrastructure provision near the dogleg along the eastern boundary and north western most corner. However, whilst it is recognised that these areas of green infrastructure are narrower, there are still considered to be sufficient and represent and appropriate tree belt.

### Heritage

The application has included a supporting heritage statement and the conclusions of the report in respect of built heritage is agreed with. The nearby listed buildings comprise the Grade II listed Pixash Lane Bridge as well as the Grade II listed building Ellsbridge House which lies to the west of the site on Bath Road. There are no objections to the demolition of the buildings or with the impact on the nearby listed buildings

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or it's setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic

interest which it possesses. Here it is considered that the setting of this listed building is preserved.

The submitted Heritage Statement concludes that there is little potential for highly significant archaeology on the site but there is potential for Roman remains relating to a possible road and other pit features. These will require investigation and possibly further archaeological excavation of areas of the site. This can be secured via condition.

#### Residential amenity

PMP policy D6 requires that development must allow for appropriate levels of amenity and allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light. Further it should not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbances. Policy 12 - General Considerations of the Joint Waste Core Strategy 12 advises that the application must consider the adverse effects on residential amenity including noise, fumes, vibration, glare, light pollution, dust, litter, odour and vermin.

Concerns have been raised by a third party that they were not consulted pre application stage by the applicant. Whilst this is regrettable, there were understandable difficulties due to the Covid 19 and whilst pre application engagement was carried out, normal practices could not be followed.

The nearest existing residential properties are located to the south on the north side of Bath Road. Alongside these, a care home is currently being erected on the corner of Bath Road and Pixash Lane which will, when occupied, increase the number of occupiers who may be impacted upon by the development if the operations are not properly controlled. Third parties, including representatives of the care home, have raised concerns. They have highlighted that the residents of the care home will have conditions ranging from dementia to multiple sclerosis and motor neurone disease. They have advised that residents with dementia are particularly sensitive to noise and smells, which can cause them distress.

The applicant has submitted an Operational Statement which summarises the proposed operational activities and associated opening times. It is imperative to note that the site will be operated in accordance with an Environmental Permit issued by the Environment Agency. The permit will only be granted once the Environment Agency are satisfied that the operations on site will not cause unacceptable harm to any nearby receptors. The permit will contain specific conditions to ensure that emissions such as noise, air, odour and dust from the site are regulated and will ensure that all operations on site are carried out in accordance with the specific management plans approved by the Environment Agency as part of this permitting regime. The Environment Agency will be in charge of enforcing any conditions attached to that permit.

Officers do not have any reason to believe that this permit will not be granted. The application has demonstrated that the scheme has been designed to minimise the impact upon the nearest neighbouring occupiers. The application has been fully reviewed by the Council's Environmental Health, and Environmental Monitoring Officers, who have not raised any particular concerns. The proposed Material Recovery Facility and Waste

Transfer Station which have the potential to cause nuisance, have been located on the northern edge of the site (159m from the Care Home) and emissions from these functions are further mitigated by being contained within a building and the use of extraction systems.

The canopy above the RRC is angled to deflect sound back into the site, and an integral wall to the full length of RRC area will reduce noise emissions. The RRC lower level is also set below World's End Lane. A landscaped buffer offers further screening of the site.

The submitted noise assessment appraises the impact during construction and operational phases of the development. Mitigation measures have been identified within the acoustic report which are relevant to the construction phase and accordingly a condition should be included to control this phase.

Whilst the operation of the site will be strictly controlled by the Environmental Permit, the technical assessments have confirmed that proposal will not create adverse noise and odour impacts beyond the application site boundaries. These have been reviewed by the Council's Environmental Monitoring and Health Officer who have raised no objection to the scheme.

Concerns have been raised with regards to the loss of privacy to neighbouring buildings resulting from people using the site. However, there is a sufficient distance between the site and neighbouring dwellings, with screening in place, to ensure that there is not significant loss of privacy.

Overall, on the basis of the above, and noting the need for an Environmental Permit to control the operation of the site, the development is not considered to result in an adverse impact upon the neighbouring occupiers. It is noted that a third party has requested that a number of conditions are included on any permission. Whilst it is noted that it is important to control measures identified, these will be managed through the Environmental Permit. Planning conditions should not repeat matters covered by other legislation, and the conditions are therefore not necessary.

#### Air Quality

An Air Quality Assessment has been submitted as part of the ES and this has been reviewed by the Council Officers. The overall approach of this assessment is acceptable. The report is broken into three sections, construction dust, operational effects and odour.

The assessment shows that the nitrogen dioxide and PM10 concentrations will remain below 40  $\mu\text{g}/\text{m}^3$  and PM2.5 concentrations remain below 25  $\mu\text{g}/\text{m}^3$  although there are some negligible effects at some locations. As concentrations are predicted to remain below the objectives there is no objection to the development.

The report shows that if mitigated the effects of construction dust are insignificant. To mitigate the effects of the demolition and construction dust shown in the air quality assessment a condition is recommended to ensure that there is no impact on local residents. It is also recommended that deliveries to site are scheduled out of peak times to reduce congestion on the A4 Bath Road.

## Contaminated Land

A Land Quality Statement was submitted with the application. This has been reviewed by the Council's Contaminated Land Officer and taking account of the findings and recommendations of the report, there are no objections to the development subject to conditions.

## Drainage

The application was accompanied by a drainage strategy which complies with Part H of the Building Regulations, and the SuDS hierarchy pursuant to Paragraph 80 of the NPPF. This has been reviewed by the Council's Drainage Engineer who is satisfied that this provides a suitable drainage solution that will not result in any increase to flood risk. There is therefore no objection subject to the detailed drainage package being secured via a planning condition.

## Sustainable construction

The application included a detailed Sustainability Statement and the Council's Sustainability Construction Checklist. This demonstrates that sustainable construction has been given full consideration in the design process.

The benchmark for demonstrating that energy efficiency has been "maximised" as required by CP 2 is a 19% reduction in regulated emissions compared to that required by the Building Regulations. 10% of this reduction must be from renewable energy sources (see below) and the remaining 9% may be from other means (such as energy efficiency/building fabric etc.)

Policy SCR1 requires (for developments of 10 or more dwellings or 1000sqm but excluding B2 and B8 uses) a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. The 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 Sustainable Construction Checklist demonstrates compliance with the above policies. It is noted that not all buildings on the site are required to be assessed as they are not heated. However, sustainable construction has been duly considered for the site as a whole. Measures across the wider site include:

- The buildings on the new site have been designed to avoid the installation and use of natural gas and the site runs almost entirely on electricity.
- Use of Mechanical Ventilation with Heat Recovery (MVHR) systems, to improve on controlled ventilation requirements and to integrate with high levels of air tightness.
- Careful consideration of window sizes and window type, to maximise beneficial solar gain and daylight, but to control heat loss and overheating.
- Generally heating (and cooling where required) by a high-efficiency, heat recovery VRF system with appropriate control.
- A dedicated CO2 air-to-water heat pump for the production of hot water.
- Inclusion of 450 sqm of solar PV panels

- The site operation will also require reasonable water capacity for wheel washing and hose down, and a rainwater harvesting system is considered for this use.

Planning Policy CP4 states that the use of district heating will be encouraged. The policy sets out district heating "priority areas" and "opportunity areas". Sites within "priority areas" will be expected to incorporate infrastructure for district heating and connect to existing systems when and when available. Sites within "opportunity areas" will be encouraged to incorporate infrastructure for district heating and expected to connect into any existing systems if possible.

The design of the new buildings requiring heating and/or cooling, will be designed so that they can be connected to the future heat network once that has been implemented. This will include future connection points, and distribution routes identified as part of the infrastructure development

#### Planning balance/conclusions

The development is located on an allocated site and is therefore supported in principle. The development will result in significant improvements in the services provided for current and future residents in the BANES area.. In order for the Council to continue to meet its duty of care for recycling and the transfer and disposal of household waste, it must have appropriate facilities. The provision of operational depots that are well-designed and maintained to accommodate the necessary infrastructure to allow the Council to perform this function is considered to be a significant public benefit.

The proposed development will result in the removal of trees and hedgerows, but these will be adequately replaced. Whilst the proposals will change the landscape character and have visual amenity impacts particularly from the most immediate views., this is not considered to be unduly harmful. Any changes in character to the site is a natural result of the development of an allocated site for this purpose, and subject to substantial planting to mitigate the impact, the overall impact is considered to be acceptable. The matters of noise and odour and other forms of nuisance associated with the operational development will be controlled though the Environment Permit and enforced by the Environment Agency.

The application has been assessed based on the worst case senecio in terms of highway impact, but subject to highway improvements and mitigation measures, the development is not considered to result in any significant highway safety issues or result in a severe highway impact.

The development is therefore considered to comply with the relevant policies of the Development Plan including those within the Joint Core Waste Strategy.

It is therefore recommended that planning permission is granted subject to a number of conditions. As referenced above, conditions are not considered to be necessary to control matters covered by the Environmental Permit.

#### Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The development results in the redevelopment and consolidation of existing facilities. The granting of this planning permission is not considered to result in undue impacts upon any group. The facilities available on the site will be readily accessible to its users.

The operation of the site will be controlled through an Environmental Permit issued by the Environment Agency. The Impact upon any neighbours, including the future occupiers of the proposed Care Home who may be particularly vulnerable, will be safeguarded through this permit process. The impact of the development through the construction process can be limited through a Construction Management Plan to ensure the needs of local residents are fully considered.

## **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 Phasing Plan (Compliance)**

The construction of the development hereby approved shall not proceed other than in accordance with the approved phasing plan PXH-SRA-00-L1-DR-A-PL-170 P02 or in accordance with an amended phasing plan as submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary that the stages of development and the provision of associated public services and infrastructure follow a co-ordinated sequence.

### **3 Highway Signage Strategy (Pre-Commencement)**

No work shall commence on the development site until a highway signage strategy has been submitted to and approved by the Local Planning Authority in accordance with a design and specification to be approved in writing by the Local Planning Authority, and to be fully implemented to the satisfaction of the Local Planning Authority.

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.

### **4 Highway works (Pre-Commencement)**

No operation of the Phase 1 development shall commence until the highway works indicated on submitted plan reference 20024-GA05 Revision A (or a variation agreed by the Local Planning Authority), have been constructed to the satisfaction of the Local Highway Authority.

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.

### **5 Parking (Compliance)**

The internal transport arrangements including circulation lanes, stacking lanes, footways, areas allocated for parking and turning, as indicated on submitted plan references 20024-GA05 Revision A and 157-801 Revision P4, shall be kept clear of obstruction and shall not be used other than for the purpose intended and in connection with the development hereby permitted.

Reason: To ensure sufficient operation, manoeuvring, circulation, 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.

### **6 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.

### **7 Drainage (Pre commencement)**

Prior to the commencement of any works on site, details of the provision for the sustainable disposal of surface water within the site, so as to prevent its discharge onto the public highway, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan

### **8 Visibility Splay (Pre-occupation )**

No occupation of the development shall commence until the visibility splays shown on drawing number 20024-GA05 Revision A have been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

### **9 Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until bicycle storage for at least 30 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.

#### **10 Motorcycle Parking (Pre-occupation)**

No occupation of the development shall commence until motorcycle parking for at least 24 motorcycles 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.

#### **11 Travel Plan (Compliance)**

The development shall be operated in accordance with the approved Travel Plan prepared by MWT dated April 2021 or as otherwise approved in writing by the Local Planning Authority

Reason: In the interest of encouraging sustainable travel methods

#### **12 Construction Traffic Management Plan (Compliance)**

The development shall be constructed in accordance with the approved Construction Traffic Management Plan prepared by MWT dated January 2021 or as otherwise approved in writing by the Local Planning Authority.

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

#### **13 Stage 3 Road Safety Audit)**

The completed highway works shall be subject of an independent Stage 3 Road Safety Audit (RSA). The audit will be undertaken in accordance with GG119 and the audit brief together with the CV of the Audit Team Leader and Audit Team Member shall be submitted to and approved in writing by the LHA. A representative of the LHA shall be present at the Stage 3 RSA site visit an observer and a representative of Avon and Somerset police shall be invited to attend the daytime and night-time site visits.

Reason: In the interest of highway safety.

#### **14 Closure of Access (Bespoke Trigger)**

Prior to the operational of phase 2 of the development being brought into use, the existing access on Pixash Lane shall be permanently closed and a footway/verge reinstated, including the raising of dropped kerbs, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

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

#### **15 Programme of archaeological work (Pre-Commencement)**

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

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

#### **16 Archaeological field evaluation (Pre-Commencement)**

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

Reason: The site is within an area of 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.

#### **17 Construction Environmental Management Plan (CEMP) (Compliance condition)**

The development hereby approved shall be implemented only in full accordance with the approved Construction Environmental Management Plan dated April 2021 by Ethos.

Reason: to avoid harm to wildlife and protected species during site preparation and construction

#### **18 Biodiversity Net Gain and Landscape and Ecological Management Plan (LEMP) (Compliance condition)**

The proposed habitat provision, biodiversity offsetting, and long term implementation of the Ecological Management Plans, and Monitoring, Remediation and Review, as detailed in the approved "Biodiversity Net Gain Results" document dated April 2021 by Ethos and the implementation of the approved Landscape and Ecological Management Plan (LEMP) dated January 2021 by Ethos shall be carried out and completed fully in accordance with the approved details. Reports of findings of all monitoring and any remediation

requirements and progress, and review and proposed changes to the LEMP and Ecological Management Plans as applicable, shall be submitted to and approved by the Local Planning Authority following each monitoring and review occasion.

Reason: to avoid net loss to biodiversity and to deliver additional net gain for biodiversity in accordance with the requirements of NPPF and emerging national legislation and Local Plan Policy.

### **19 External Lighting (Compliance and Bespoke Trigger )**

All external lighting associated with the development hereby approved must be installed maintained and operated only in strict accordance with "ADDENDA TO REP05 EXTERNAL LIGHTING STATEMENT R1" reference 4605 REP08 ADDENDA (E3 Consulting Engineers, 14 April 2021). No additional or replacement new internal or external lighting shall be installed that is not in accordance with approved details, without full details of proposed new lighting being first submitted to and approved in writing by the Local Planning Authority. Such details shall 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; 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.

### **20 Light Level Monitoring (bespoke trigger )**

Within six months of operation of the new external lighting system a compliance report of light spill levels shall be completed showing operational light levels within and adjacent to bat habitat, at intervals at ground level and at heights above ground level. In addition, details of a proposed a long term Light Level Monitoring and Remediation Plan, designed to

monitor the continued effectiveness of the scheme and its lighting, light containment and controls, and to demonstrate continued avoidance of light spill onto sensitive features and bat habitat, shall be submitted to and approved in writing by the Local Planning Authority. The Light Level Monitoring and Remediation plan shall thereafter be implemented and adhered to.

Reason: to rule out any future risk of harm to bats associated with the Bath & Bradford on Avon Bats Special Area of Conservation arising from light spill onto bat habitats

### **21 Bat Mitigation and Bat Monitoring Scheme (bespoke trigger)**

The development hereby approved shall be implemented fully in accordance with all approved bat mitigation measures including approved landscape and lighting design and as detailed in the approved Ecological reports and Demolition Bat Survey Report (Ethos, Nov 2020). Within six months of completion of bat mitigation measures a Bat Monitoring Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Bat Monitoring Scheme shall provide details of proposed monitoring of bats and roosts and mitigation features at the site including: horseshoe bat activity along linear habitat features; bat monitoring of all bat mitigation features and the bat house (and its condition and maintenance requirements). The monitoring shall be carried out for a

minimum of a 10 year period and frequency and timings of monitoring shall be defined in the scheme. The Bat Monitoring Scheme shall thereafter be carried out in accordance with approved details. A report of all monitoring findings shall be submitted to the Local Planning Authority within 2 months of each monitoring exercise.

Reason: to demonstrate and monitor continued adherence to and effectiveness of bat mitigation and avoid harm to bats and their roosts and horseshoe bat activity.

## **22 Ecology Follow-up Report (post-construction / Pre-operational)**

No operation of the development hereby approved or new external lighting for the relevant completed development phase (as applicable) shall commence until a report produced by a suitably experienced ecologist and based on a post-construction site visit, confirming and demonstrating, using photographs, completion and implementation of all ecological and protected species, bat and horseshoe bat mitigation and compensation measures applicable to that phase, including (but not limited to): adherence to the approved CEMP; implementation of all new planting and habitat creation; completion of reptile translocation and mitigation and bat mitigation schemes; 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 Ecological and protected species including horseshoe bat mitigation in accordance with approved details, to prevent ecological harm

## **23 a Construction Dust Environmental Management Plan )**

No development shall commence until a Construction Dust Environmental Management Plan for all works of construction and demolition has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the amenities of the occupants of adjacent residential properties in accordance with Policies D6 and PCS3 of the Bath and North East Somerset Placemaking Plan.

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

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statement to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

#### **25 Tree Protection Plan - Implementation (Compliance)**

No development activity shall commence until the protective measures as stated in the approved annotated tree protection plan are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place with photographic evidence.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

#### **26 Hard and Soft Landscaping (Compliance)**

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

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

#### **27 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.

#### **28 Sustainable Construction Details -Renewable Energy (Pre-Occupation)**

The relevant parts of the development shall achieve an overall reduction in carbon emissions of at least 19% as compared to the Building Regulations Part L baseline; at least 10% of the overall reduction shall be by means of on site renewable energy

generation and the remaining 9% by other means (for example energy efficient construction).

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

- o Table 2.1 Energy Strategy (including detail of renewables)
- o Table 2.2 Proposals with more than one building type (if relevant)
- o Table 2.3 (Calculations);
- o Building Regulations Part L post-completion documents for renewables;
- o Building Regulations Part L post-completion documents for energy efficiency;
- o Microgeneration Certification Scheme (MCS) Certificate/s

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

### **29 Contaminated Land - Remediation Scheme (Pre-commencement)**

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

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

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

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

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

### **30 Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in

writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

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

### **31 Contaminated Land - Unexpected Contamination (Compliance)**

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

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

### **32 Operational Statement (Compliance)**

The development hereby approved shall be carried out only in accordance within the operational hours as cited within the approved operational statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

### **33 Drainage Strategy (Pre commencement)**

No development shall commence, except ground investigations and remediation, until a detailed drainage design package has been submitted to the Local Planning Authority and given written approval. The design shall be in accordance with the approved FRA and drainage design and is to include plans and calculations demonstrating the performance at the 1:1, 1:30 and 1:100+20% climate change event.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan

### **34 Booking system (Pre occupation)**

The development hereby approved shall not be occupied until an operational statement outlining the proposed booking system which will be in place in peak hours, has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with these approved details.

Reason: In the interest of highway safety

### 35 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:

0 20 Apr 2021	13478-CRH-XX-00-DR-C-5050-P3	PROPOSED DRAINAGE LAYOUT
20 Apr 2021	157-002_P5	LANDSCAPE PLAN
20 Apr 2021	157-004_P5	PLANTING PLAN - 1 OF 4
20 Apr 2021	157-005_P5	PLANTING PLAN - 2 OF 4
20 Apr 2021	157-006_P5	PLANTING PLAN - 3 OF 4
20 Apr 2021	157-007_P5	PLANTING PLAN - 4 OF 4
20 Apr 2021	3611-PL-150-P06	PROPOSED SITE PLAN - LOWER
20 Apr 2021	3611-PL-151-P05	PROPOSED SITE PLAN - UPPER
20 Apr 2021	3611-PL-152-P05	PROPOSED SITE PLAN - ROOF
20 Apr 2021	3611-PL-161-P03	PROPOSED N - S SITE ELEVATIONS
20 Apr 2021	3611-PL-162-P03	PROPOSED E - W SITE ELEVATIONS
20 Apr 2021	3611-PL-230-P03	OFFICES AND WORKSHOP - N - S ELEVATIONS
20 Apr 2021	3611-PL-232-P03	OFFICES AND WORKSHOP - E - W ELEVATIONS
20 Apr 2021	3611-PL-240-P04	RRC - LEVEL 0 PLAN
20 Apr 2021	3611-PL-242-P04	RRC - ROOF PLAN
20 Apr 2021	3611-PL-241-P04	RRC - LEVEL 1 PLAN
20 Apr 2021	3611-PL-251-P04	RRC - N - S ELEVATIONS
20 Apr 2021	3611-PL-252-P03	RRC - E - W ELEVATIONS
01 Feb 2021	13478-CRH-XX-00-DR-C-5001-P1	PROPOSED CONTOURS PLAN
01 Feb 2021	13478-CRH-XX-00-DR-C-5002-P1	PROPOSED PAVEMENT CONSTRUCTION PLAN
01 Feb 2021	13478-CRH-XX-00-DR-C-5051-P1	PROPOSED IMPERMEABLE AREAS PLAN
01 Feb 2021	13478-CRH-XX-00-DR-C-5055-P1	PROPOSED OVERLAND FLOOD ROUTES PLAN
01 Feb 2021	13478-CRH-XX-00-DR-C-5051-P1	PROPOSED IMPERMEABLE AREAS PLAN
01 Feb 2021	13478-CRH-XX-00-DR-C-5055-P1	PROPOSED OVERLAND FLOOD ROUTES PLAN
01 Feb 2021	157-008_P4	TREE RETENTION AND REMOVAL PLAN
01 Feb 2021	157-401_P4	TREE PIT STANDARD HEAVY STANDARD TREE
01 Feb 2021	157-402_P4	TREE PIT SEMI MATURE TREE
01 Feb 2021	157-403_P4	TREE PIT SEMI MATURE IN HARD LANDSCAPE
01 Feb 2021	157-501_P4	SITE SECTIONS A-A AND B-B (NORTHERN BOUNDARY
01 Feb 2021	157-502_P4	SITE SECTIONS C-C AND D-D (NORTHERN BOUNDARY
01 Feb 2021	157-503_P4	SECTIONS E-E AND F-F (SOUTHERN BOUNDARY)
01 Feb 2021	157-504_P4	SITE SECTIONS G-G AND H-H (EASTERN BOUNDARY
01 Feb 2021	157-505_P4	SITE SECTIONS I-I AND J-J (WESTERN BOUNDARY
01 Feb 2021	157-506_P4	SITE SECTION K-K (WESTERN BOUNDARY)
01 Feb 2021	157-801_P4	ILLUSTRATIVE MASTERPLAN 1:500 @A1
01 Feb 2021	157-803_P4	ILLUSTRATIVE MASTERPLAN

01 Feb 2021 20024-GA01-04 REV A ACCESS PLANS  
 01 Feb 2021 20024-GA05 REV A OVERVIEW OF SITE ACCESS ARRANGEMENTS  
 01 Feb 2021 210128 AREAS DIAGRAM  
 01 Feb 2021 3611-PL-010-P03 EXISTING SITE PLAN - BUILDING KEY  
 01 Feb 2021 3611-PL-020-P02 EXISTING SITE BLOCK PLAN  
 01 Feb 2021 3611-PL-021-P02 EXISTING N-S CONTEXT ELEVATIONS  
 01 Feb 2021 3611-PL-022-P02 EXISTING E-W CONTEXT ELEVATIONS  
 01 Feb 2021 3611-PL-025-P02 EXISTING CONTEXT SECTIONS AA-BB  
 01 Feb 2021 3611-PL-026-P02 EXISTING CONTEXT SECTIONS CC-DD  
 01 Feb 2021 3611-PL-050-P05 DEMO PLAN  
 01 Feb 2021 3611-PL-065-P02 BAT HOUSE DETAILS  
 01 Feb 2021 3611-PL-110-P06 COMP MASTERPLAN  
 01 Feb 2021 3611-PL-165-P02 PROPOSED SITE SECTIONS AA-BB  
 01 Feb 2021 3611-PL-166-P02 PROPOSED SITE SECTIONS CC-DD  
 01 Feb 2021 3611-PL-200-P02 MRF-WTS - LEVEL 0 PLAN  
 01 Feb 2021 3611-PL-201-P02 MRF-WTS - LEVEL 1 PLAN  
 01 Feb 2021 3611-PL-202-P02 MRF-WTS - ROOF PLAN  
 01 Feb 2021 3611-PL-212-P02 MRF-WTS - E-W ELEVATIONS  
 01 Feb 2021 3611-PL-215-P02 MRF-WTS - SECTIONS  
 01 Feb 2021 3611-PL-220-P02 OFFICES-WORKSHOP - LEVEL 0 PLAN  
 01 Feb 2021 3611-PL-221-P02 OFFICES-WORKSHOP - LEVEL 1 PLAN  
 01 Feb 2021 3611-PL-222-P02 OFFICES-WORKSHOP - ROOF PLAN  
 3611-PL-235-P02 OFFICES-WORKSHOP - SECTIONS  
 01 Feb 2021 3611-PL-255-P02 RRC - SECTIONS  
 01 Feb 2021 3611-PL-260-P02 TWTS-SALT STORE - LEVEL 0 PLAN  
 01 Feb 2021 3611-PL-261-P02 TWTS-SALT STORE - ROOF PLAN  
 01 Feb 2021 3611-PL-271-P02 TWTS-SALT STORE - N-S ELEVATIONS  
 01 Feb 2021 3611-PL-272-P02 TWTS-SALT STORE - E-W ELEVATIONS  
 01 Feb 2021 3611-PL-275-P02 TWTS-SALT STORE - SECTIONS  
 01 Feb 2021 3611-PL-280-P03 WB CONTROL OFFICE - LEVEL 0 PLAN  
 01 Feb 2021 3611-PL-281-P03 WB CONTROL OFFICE - ROOF PLAN  
 01 Feb 2021 3611-PL-285-P03 WB CONTROL OFFICE - ELEVATIONS  
 01 Feb 2021 3611-PXH-SRA-00-00-DR-A-PL-001-P02 SITE LOCATION PLAN  
 01 Feb 2021 157-SCH-003\_P4 PIXASH WES DEPOT PLANTING SCHEDULE

## 0 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.

0 The development must be operated in full accordance with an Environmental Permit issued by the Environment Agency

## 0 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](http://www.bathnes.gov.uk/cil)

0 The Local Highway Authority (LHA) requires the developer to submit full construction details regarding the delivery of the off-site highway improvements. All works will need to be approved by the LHA and suitable supervision in place prior to commencement of the works. Further information in this respect may be obtained by contacting the LHA

### **0 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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

**Item No:** 07  
**Application No:** 20/04067/FUL  
**Site Location:** Waterworks Cottage Charlcombe Way Fairfield Park Bath Bath And North East Somerset



**Ward:** Lambridge      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Rob Appleyard    Councillor Joanna Wright  
**Application Type:** Full Application  
**Proposal:** Extension and alteration to existing Cottage and creation of two detached dwellings.  
**Constraints:** Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,  
**Applicant:** Mr & Mrs Jeremy & Sarah Flavell  
**Expiry Date:** 26th February 2021  
**Case Officer:** Samantha Mason  
To view the case click on the link [here](#).

## REPORT

Reason for Committee:

The local ward councillor requested the application be heard before committee should the officer be minded to permit. In this instance the officer is minded to permit, and in line with the Scheme of Delegation the application was referred to the Chair of the committee for a decision on whether it be heard at committee or delegated. In her decision the Chair recommended committee, saying 'The officer and applicant have worked together during the application process to address the concerns and objections raised against this

complex development. The final proposal is now largely policy compliant, but given the number of varied comments made by third parties and the judgement applied to assess planning balance against policy, I believe that this would benefit from open debate by the planning committee.'

Details of location and proposal and Relevant History:

The application refers to a site is located in the Fairfield Park residential area of Bath, within the World Heritage site but outside of the Conservation Area. The Green Belt bounds the site to the north along with the AONB.

Planning permission is sought for extension and alteration to the existing cottage along with the creation of two detached dwellings

Relevant Planning History:

There is no relevant planning history on this site.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

### **CONSERVATION:**

16th Dec 2020: Object. The proposed development will require the demolition of Waterworks Cottage that is recommended as a locally listed heritage asset. There will consequently be significant harm caused to this non-designated heritage asset through its loss that would be contrary to policy.

17th March 2021: Scope for revision. Whilst I recognise that the scheme has been revised to retain the existing cottage, which is a great improvement, thus resulting in the harm from its loss being much reduced, however, the scheme still results in an awkward addition to the front of the locally listed heritage asset and the additional development within its grounds, thereby undermining its tranquil setting. The scale of harm is of a minor nature and the scheme will need to be considered against paragraph 197 of the NPPF.

### **HIGHWAYS:**

13th Nov 2020: additional information required in regards to parking space details, cycle spaces, rights of acces, swepth path analysi for emergancy vehicles and waste management strategy.

5th Feb 2021: Revisions required to parking area of plot 1 and plot 2 in terms of spaces and highwasy saftey.

3rd March 2021: further information in regards to the swepth path still required.

11th March: HDC officers consider that the two-way vehicular trips which will be generated by 'Plot 3' represent an intensification of use of the unadopted, private access road, therefore, the applicant should be requested to amend the plan, or prepare an alternative

plan, which demonstrates, by means of swept path analysis, that the junction of Charlcombe Way and the unadopted, private access road is fully accessible to a 'large' car. The applicant should also be requested to demonstrate that visibility of 2.4-metres by 25- metres is available in both directions from the unadopted private access road onto Charlcombe Way.

8th April 2021: Officers consider that the junction of Charlcombe Way and the private access road, in its current form, is sub-standard in terms of width and visibility and is therefore unsuitable to safely accommodate the additional two-way vehicular trips which will be generated by proposed 'Plot 3'. The applicant should be requested to investigate options to address the highway concerns summarised above.

12th May 2021: No objection. A vehicular access to the application site exists and, currently, motor vehicles are required to reverse onto Charlcombe Way with little or no visibility of other motor vehicles using the carriageway or vulnerable road users. Having reviewed the PIC data, there is no evidence that the use of the current access is prejudicial to highway safety. Whilst officers note that the access is sub-standard in terms of width and visibility, there are no opportunities to improve the current situation. We note that 'Plot 3' includes the provision of on-plot turning facilities which will allow future occupiers to enter the adopted public highway in a forward gear, which we recognise to be an improvement in highway safety terms.

#### DRAINAGE:

26th Nov 2020: No objection

9th Feb 2021: No objection.

#### LANDSCAPE:

26th Nov 2020: No objection subject to conditions

#### ECOLOGY:

30th Nov 2020: further information required in regards to the ecological mitigation and enhancement scheme, as well as specifically to frogs.

22 Feb 2021: more information required to rule out the risk of harm to protected species (great crested newt); more information on risk of impacts to SNCI and more information on net biodiversity gain required.

21st April 2021: Further to submission of revised plans and Biodiversity Net Gain calculation, some additional information is still awaited, and some further clarification and revisions are requested; these issues must be address prior to determination to enable the ecology objection to be withdrawn.

18th May 2021: DNA test results for the pond have been submitted confirming great crested newt is not present in the nearby pond, and further checks have been carried out to ascertain whether there is badger activity on the site. No active setts were present. lighting plans need clarification as does BNG calcs and future maintenance.

11th June 2021: No objection subject to conditions. Ecological maintenance is recommended to be secured via s106.

#### Representations Received :

Cllr Appleyard: 'If you are mindful to permit this application can I request that it is put before the committee for a wider discussion please. This application has attracted concern from a very large number within this community and close neighbouring ward residents who feel the loss of a historic building should be a major concern in any deliberations, I believe the number of objector's comments exceed 180 and rising. There are also concerns on the over development of the site and together with ecological concerns on elements such as toads and bats this reinforces the request that a wider consideration is given to this application'

Cotswolds Conservation Board: In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.<sup>2</sup> The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) give explicit consideration to the Board publications.

326 objections have been received to the scheme; the following is a summary of the points raised. Please be aware that prior to determination all public comments are available for viewing on the council's website, it is not possible to repeat all the comments verbatim here.

- Demolition of cottage unacceptable
- Cottage should be listed
- Cottage has historical significance
- Harm to setting of cottage
- Harm to conservation area
- Overdevelopment of the site
- Concern with height of proposals
- Overbearing
- Residential amenity concerns
- Overshadowing
- Loss of privacy
- Impact the living conditions of existing residents
- Extension to cottage is harmful, will impact on the front
- New dwelling will harm the setting of the cottage
- Design of new dwellings out of character
- Contemporary design not acceptable
- Scale, layout and materials concerns
- Visually intrusive
- Loss of garden
- Access concerns, particularly to plot three, narrow roads
- Concerns with swept path analysis and manoeuvring
- Construction traffic and construction works concerns
- Congestion and increased traffic

- Highways and pedestrian/ road user safety concerns
- Proposed driveways inadequate
- Reversing onto highway
- No infrastructure capacity
- Impact on local toad migration and other amphibians
- Tranquillity disturbed
- Impact to wildlife
- Impact to protected species
- Badgers on site
- Loss of habitat and biodiversity
- Harm to SNCI
- Detract from AONB
- Ethical concerns
- Landscape impacts
- Streetscene impacts
- Protected hillside
- Loss of views of the cottage
- Impact on residential amenity
- Impact to local walkers
- Suburban rural area of Bath
- Geotechnical constraints
- Stability issues
- Groundwater constraints
- Site too steep
- Light pollution
- Impact to world heritage site outstanding universal values
- Harm to green belt, inappropriate development in green belt
- Applicant removed a tree from site
- Contrary to policy LCR1 - Safeguarding local community facilities
- Not sustainable development
- Contrary to NPPF and development plan
- Additional pollution
- Noise and disturbance
- Climate emergency
- Local democracy
- Misleading drawings, insufficient information
- No housing need
- Unreasonable to amend scheme
- Damage during construction
- Utilities capacity insufficient
- No site notice
- Land ownership concerns
- Impact to telegraph pole, landline and broadband
- Right of way over access concerns, in regards to footpath to cottage

**Bath Preservation Trust:**

(Summary) Objection to loss of cottage and on grounds of scale, massing, density, overdevelopment of the site, harm to conservation area, AONB, Green Belt, Townscape, landscape, urbanising effect, design not in keeping, flat roof form not in keeping. This application is therefore contrary to Section 16 of the NPPF, and Policies B1, B4, BD1,

CP6, D1, D2, D3, HE1, NE2, and NE2A of the Core Strategy and Placemaking Plan, and should be refused or withdrawn.

Charlcombe Toad Rescue Group:

(summary) Objection. Due consideration has not been given to the population of amphibians in the locality, particularly common toads, which would be put at risk by development of the land at Waterworks Cottage in Charlcombe Way. Local ecological emergency declared. Contrary to policy NE5.

Frog life:

(Summary) Objection on nature conservation grounds. The building of two additional properties will reduce the habitats available to this species: grass, shrubs and other ground vegetation. The additional housing will further fragment the corridors of habitats that toads use to reach the breeding lake; the amphibians that currently migrate through the gardens of Waterworks Cottage will no longer be able to do so. The movement of vehicles and general disturbance during construction will disrupt and kill common toads during their spring

migration and breeding period, and the juvenile dispersion period in the summer. The addition of two extra parking spaces, in addition to the existing parking area, will mean two additional cars travelling on the roads increasing road mortality for the toads and other amphibians.

Avon Reptile and Amphibian Group (ARAG)

(summary) Objection. ARAG does not feel that the revisions to the proposed development or the ecological mitigation go far enough to safeguard the amphibian populations that almost certainly utilise this site as a migratory route, an overwintering hibernacula, as general amphibian habitat or more likely a combination of all three.

CPRE:

(Summary) objection. Oppose demolition of NDHA Cottage. Development represents loss of countryside and overdevelopment of the site. impact on protected landscape of green Belt, AONB, and world heritage site. local green space more important than ever.

Cotswolds Conservation Board:

(Summary) Comment. In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) give explicit consideration to the following Board publications:

3 comments of support have been received as follows:

- No impact to wildlife or local area
- No impact to toad migration
- It will upgrade existing cottage
- No realistic historical link left as altered over time
- Good comprise compared to the proposed demolition of the cottage
- Modern properties meet energy standards

- More family housing net gain to environment
- Sustainable construction

## **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  
 CP2: Sustainable Construction  
 CP3: Renewable Energy  
 CP5: Flood Risk Management  
 CP6: Environmental Quality  
 CP8: Green Belt  
 CP9: Affordable Housing  
 CP10: Housing Mix  
 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  
 D7: Infill and backland development

GB1: Visual amenities of the Green Belt  
H5: Retention of existing housing stock  
HE1: Historic environment  
NE2: Conserving and Enhancing the landscape and landscape character  
NE2A: Landscape setting of settlements  
NE3: Sites, species and habitats  
NE5: Ecological networks  
NE6: Trees and woodland conservation  
ST7: Transport requirements for managing development  
H7: Housing accessibility  
SCR1: On-site renewable energy requirement  
SCR5: Water efficiency  
SU1: Sustainable drainage policy  
LCR9: Increasing the provision of local food growing  
PC55: Contamination

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 to consider are:

- Principle of development
- Character and appearance
- Residential amenity
- Highways matters
- Flooding and drainage
- Technical matters
- Any other matters
- Planning balance

BACKGROUND:

The initial application as submitted proposed to demolish the existing bungalow on site and build three new dwellings on the site. Following the high level of local objection and confirmation that the cottage is a Non-Designated Heritage Asset the applicant revised the application, the application now retains (and extends) the cottage and proposes two additional dwellings on site.

#### PRINCIPLE OF DEVELOPMENT:

Policy DW1 of the core Strategy states that the focus of new housing in the district will be Bath, Keynsham and the Somer Valley. Policy B1 of the Placemaking Plan seeks to enable delivery of around 7000 homes across the site, including from windfall sites. It states subject to compliance with all other policy considerations residential development will be acceptable in principle provided the proposal lies within the existing urban area of Bath as defined by the Green Belt boundary. The site proposed two new dwellings within the defined built up area of Bath. The principle of development is acceptable. This is subject to other material planning considerations discussed below.

#### HERITAGE:

Policies CP6 of the Core Strategy, HE1 of the Placemaking plan and section 16 of the NPPF have regard to Heritage. The existing site is located outside of the Conservation Area but within the World Heritage site. Waterworks cottage is not listed but is considered to have heritage significance.

Recent information and archive evidence have been provided that confirm that there was a connection between Waterworks Cottage and the Bath Water Works that is situated in close proximity to the site. Map regression and Census material in particular provide strong evidence that the house was occupied by workmen/engineers working on the Waterworks plant.

Waterworks Cottage is a simple traditional stone-built house on the edge of suburban Bath set within a large garden plot. It retains much of its original form through its footprint, internal plan and remnants of some internal features such as fireplace surrounds. However, other external features such as its roof structure and fenestration have been replaced in the recent past, leading to some erosion of its architectural authenticity.

The cottage itself is considered a non-designated heritage asset. The significance of the non-designated heritage asset therefore derives mainly from its historic interest and in part from its architectural interest.

The Conservation Officer has confirmed that with regards to the grounds that the cottage sits within, they do not meet the criteria for separate non designated heritage status, as they form a typical domestic garden curtilage to the cottage and have no special features of particular interest. Nevertheless, they do provide a setting for the cottage.

It is noted that the Historic England Designation team have provided an assessment of the cottage (20th Nov 2020) that concludes; Waterworks Cottage falls short of the level of historic and architectural interest to merit listing on a national basis.

The initial proposal involved the demolition of the existing Waterworks Cottage on site to be replaced by a new dwelling. Given the cottage is a non-designated heritage asset its total loss was not supported. The scheme has now been revised to retain and extend the cottage, along with the erection of two further dwellings.

Policy HE1 requires that justification is provided for proposed works to any heritage assets. The current extended cottage provides for only 2 bedrooms and 1 bathroom at first floor level. The bathroom has to be accessed as a walk through, through one of the bedrooms. The nonoriginal kitchen, which housed provision for a freestanding gas cooker and included a single base unit for a sink and 2 wall units, clearly indicates, together with the above that the existing cottage was not suitable for a small family, to meet today's modern standards of living.

The proposed extension is located on the east elevation of the cottage away from Charlcombe Way, it will replace a small existing porch. A small garden facing lean to will also be removed from this elevation towards the northern end of the cottage, however the single storey side projection will be retained. The extension will provide living accommodation, the existing cottage's living space will be freed up to provide an additional bedroom along with other alterations.

The conservation officer has raised concerns as to whether the extension is required at all, however the extension has been justified in so far as the policy requires and the committee must consider the scheme before it. Given that the cottage is not listed it is noted that it benefits from permitted development rights which could see it extended in some way without the need for planning permission in any case. The single storey side projection was retained at the request of the conservation officer, limiting the location of further extensions.

The glazed link provides a visual separation from the heritage cottage and whilst materials have been used including bath stone, glass and timber, that either match or integrate with the cottage, the design is contemporary so as not to create a pastiche copy. This is considered a successful juxtaposition. Given the topography of the site the proposed extension will not be readily visible from Charlcombe Way. The extension is single storey but has a pitched roof where the ridge sits just below the existing eaves of the cottage. The width is modest in scale, around a quarter of the width of the existing cottage. The scale and massing is considered to be subservient.

Nevertheless, the Conservation Officer however has raised concerns with the location of the extension being on what would be the front elevation, and this type of contemporary design being more akin to side or rear extensions.

There is evidence within the Heritage Impact Assessment, provided by Planning Heritage Conservation Planning Consultancy, that the Cottage may have been extended significantly in the past with evidence that the original door exists to the right-hand side of the current porch door opening. Therefore, it is possible that the placement of the new 2-storey extension is not part of the original 2-up 2-down cottage, originally constructed and not located over the original entrance way. Given the orientation of the property there is no visibility of the east forward elevation and alterations from the public realm. It is also noted that there is a mix of dwelling ages and designs in the locality. Furthermore, the majority of the historic significance is noted to come from the historic connection the cottage has with

the Waterworks and the cottage will be retained and remain legible given the glazed link, subservience, and readable addition.

The Conservation Officer has raised some concern to the siting of Plot 2. This part of the scheme provides for an additional residential unit in close proximity to the heritage asset. Over the course of the application the applicant has reduced the height, set it back into the steep hillside, relocated it and created a green roofscape to provide some subservience to the existing cottage. Nevertheless, it will still result in a structure being located in close proximity to the cottage, impacting upon its historic setting by impacting the central location to which the cottage currently sits in the existing garden.

The garden does form the setting of the cottage, and a garden, albeit smaller, will be maintained for the existing cottage. The lower end of the plot where plot 3 is sited is not considered by the heritage officer to have played an important role in the heritage setting of the cottage. Therefore, the fragmentation of the lower garden to provide the additional plot 3 is not considered to harm heritage significance.

Given the above, the historic association significance of the cottage will be retained, however there will be some impact to the architectural significance, the conservation officer also notes some impact to the setting, although it is noted that this is not why the cottage has been designated as a non-designated heritage asset. The harm arising from the addition of the extension is considered to be, in the words of the NPPF, at the very lower end of less-than-substantial harm. The harm arising from the loss of the central location of the cottage within its current garden due to the positioning of plot 2 is also considered to result in less than substantial harm at the very lower end of the scale. Overall, the combined harm is considered to be the very lower end of less than substantial.

Paragraph 197 of the NPPF states that, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Unlike the requirements for harm to listed buildings, there is no requirement within the NPPF for the harm arising to be weighed against public benefits, it is simply a matter of balanced judgement. Nevertheless, Policy HE1 goes on to require that, even for non-designated heritage assets, the public benefits are to be considered. This is fully considered in the planning balance below.

A number of third parties have raised concerns about the impact of the development on the conservation area. The site is not within a designated conservation area. Its around 150m from the Fairfield conservation area and 370m from Charlcombe conservation area. This is considered sufficient distance that the proposal would not impact on the setting of either area.

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. The World Heritage Site is Designated for its Outstanding Universal Values (OUV). These can be summarised as 1. Roman Archaeology, 2. The Hot Springs, 3. Georgian Town

Planning 4. Georgian architecture, 5. Green Setting of the City in a hollow in the hills, 6. Georgian architecture reflecting social ambitions (e.g. spa culture).

The cottage is Victorian and whilst it is located on the edge of the built area it is outside of the area designated as the landscape setting of Bath. The Landscape Officer has raised no landscape or visual objection to the proposed development. The built form will be within the envelope of the site and doesn't encroach into Charlcombe Valley. The Green Setting of the city is not considered to be harmed as a result of the proposal in the context of the World Heritage Site. As such the proposal is considered to be acceptable in the World Heritage Site setting and complies with Policy B4.

## DESIGN:

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.

The site is situated on the northern edge of the settlement of Bath on the rising eastern slope of Lansdown. The large inverted triangular plot in which the existing cottage is situated is bounded to the south west by Charlcombe Way; to the north by the access track to Charlcombe Pumping Station; and to the south east by the garden plots of Combe House and 136 Fairfield Park Road. The site is steeply sloping, levels across the site rise from east (114m AOD) to west (126m AOD).

As outlined above the cottage will be retained and extended and there will be two additional dwellings located within the large garden land of the existing site, one to the north and one to the east down slope.

The proposal is not considered to result in overdevelopment of the site given that garden space is maintained for each dwelling and given the variety of plot and garden sizes locally which are not uniform in character.

The extension to the existing cottage has been thoroughly discussed above in terms of its design. Given the materials, subservience and glazed link it is considered to be an acceptable addition in line with the Design policies listed above.

There is a mix of dwelling design styles and ages in this area, with later extensions and additions, meaning the character of the area is not uniform.

Plot 2 is the proposed dwelling located to the North; its access will be taken from Charlcombe Lane. Plot 3 will be accessed via the unadopted track. Plot two has a flat roof which has been set down in height from the existing cottage. The dwelling will be three storey however given the sloping nature of the site it will appear single storey from street view. The property will have a stepped appearance from the garden. Plot 3 main two storey bulk has a gable roof form, with a single storey projection to the south. There will be glazing within the gable.

Both designs take a contemporary approach, plot 2 more so due to its flat roof. Both use materials that are present on the existing cottage as well as the extension to the cottage, resulting in some readable connection across the site.

The proposed materials are considered to be important in this location given the transition the site provides between the urban built form of the World Heritage Site and the rural countryside. The natural materials proposed including rubble stone, lime stone, timber cladding and glass. This palate of materials is considered acceptable. The proposed location of these materials across the buildings is well thought out. for Plot 2 the street facing elevations will be rubble stone read in context with the surrounding Bath Stone properties and the northern elevations will include the timber which will face towards the rural side of the site. The timber does not dominate the buildings in this instance but adds a contemporary element.

The dwellings are proposed to be built into the slope and will result in some excavation. Locally the area is steeply sloping, and houses are located on the hillside, the design ensures a stepped appearance. Third parties have raised concerns over ground stability. The site is not located in an area designated with stability issues. The NPPF makes clear that the requirement for safe development lies with the developer/ land owner. The proposal will require building regulations also, which is separate to planning.

Overall, 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 paragraph 17 and part 7 of the NPPF.

#### LANDSCAPE:

Policy NE2 infers that in order to be permitted, development needs to conserve and enhance local landscape character, landscape features, local distinctiveness and important views; that it should seek to avoid or adequately mitigate any adverse landscape impact; and that proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development. A Landscape appraisal was submitted with the application.

The development site's position on the edge of settlement means that the character of the area to its south is formed by the suburban residential townscape of the Fairfield area of Bath; while the character of the area to its north is formed by the rural pastoral landscape of the Lam Brook Valley. These markedly different characters are broadly reflected in landscape designations with the Green Belt, Cotswold AONB and locally designated landscape setting of the settlement of Bath boundaries running along the access road on the northern boundary of the site; and the Bath World Heritage Site and Conservation Area boundaries lying 250m to its north and 150m to its west respectively.

While the proposed development would be conspicuous from the Green Belt and AONB in some views it is considered that the development will be viewed in context with the

surrounding cityscape and urban residential form. The proposals have been set down into the slope and will follow or step down in height from the existing built form, this along with some green roofing and landscape will ensure an appropriate transition for the edge of the city to the rural beyond.

The Landscape Officer has raised no landscape or visual objection to the proposed development.

The landscaping within the site itself will clearly be reduced due to the built form increase, however there is proposed planting including trees and hedgerow (biodiversity gain is discussed further below). It is considered that conditions be applied regard to the submission, approval, implementation and maintenance of a detailed hard and soft landscape scheme.

Third parties have raised objections to the loss of the view of the cottage to walkers along local walking routes. The right to a view is not a material planning consideration, nevertheless it is not considered that the proposed development will block all views of the cottage, the view will simply include additional development. Visual amenity and landscape harm is a material planning consideration and as concluded above, the impact of the proposal is acceptable.

#### TREES:

The submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Hillside Trees Ltd October 2020) identifies six trees on site and states that trees T4 and T5 will be removed and trees T1, T2, T3 and T6 will be retained. However, it notes that trees T1 and T2 are suffering the effects of Ash dieback.

Trees T4 and T5 an Apple tree (2m high, 139mm stem diameter) and a Holly tree (3m high, 90mm stem diameter) are judged to be of low quality and therefore there is no objection to their removal.

The site plan shows that a number of new trees will be planted across the site, including around seven in the top western corner to link the site with the wider landscape.

It is understood that some trees were removed from site prior to the application. the site is not within the conservation area, nor were the trees TPO'd, as such their removal did not need consent.

#### RESIDENTIAL AMENITY:

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

The site is located on the edge of the built development; there are neighbouring properties to the south and west, with open fields and woodland to the north and the existing large garden of the cottage to the east.

The properties the site on the west of Charlcombe Way sit high above the site given the sloping nature of this area, and are separated by the road. The proposed plot two will appear single storey from the road therefore it is not considered that any impact to residential amenity of dwelling along western side of Charlcombe Way will occur as a result of the development.

Combe Hay is the immediate neighbour of the site to the south-east. The cottages extension will look down the slope and the side elevation will face Combe house, roughly parallel to Combe House's built form. There are no windows in the side elevation. the extension is single storey and therefore whilst the glazing will be taller than head height it won't significantly increase overlooking.

Plot 3 is located at the bottom of the slope of the exiting garden. There are no windows proposed that face towards the gardens of Combe House and 136 Fairfield Road, there will be a door at single storey. The west facing elevation of plot 3 will have two small roof lights that will face towards the existing cottage however this is not considered to result in significant overlooking issues. There is a well-maintained separation gap between the roof of plot 3 and the cottage. The main amenity space of plot 3 will be to the east. Given the topography, length of existing surrounding gardens it is not considered that the proposal will impact amenity space of neighbours of future occupiers.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

#### HIGHWAYS MATTERS:

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.

During the course of the application the scheme has been alerted to retain the existing cottage and provide two additional dwellings. Highways development Control (HDC) have been consulted on this scheme. During the course of the application additional information and revisions have been sought in regards to parking spaces and highways operation/ safety. This information has been forthcoming from the applicant.

In regards to Plot 1 (the existing cottage) the access and parking has been amended so that it is taken from Charlcombe Way. The car parking provision for the 'Existing Cottage' has been revised to indicate two 'standard' spaces alongside one another, which is a policy compliant level. It is now confirmed that the dimensions of each of the spaces accord with the minimum requirement of 2.4-metres by 4.8-metres.

A hedge to the front of 'Plot 2' has been shortened to ensure that the proposed space to the front of the plot 2 (new dwelling) is accessible, which is acceptable. It is acknowledge that by shortening the hedge to the front of 'Plot 2', the applicant has increased the accessibility of the off-street, car parking space proposed to the front of the dwelling. Officers note that the purpose of the hard paved are to the front of 'Plot 2' is to provide one

of the three required off-street, car parking spaces and that this area has the potential to 'double up' as on-plot turning facilities on occasions when one of the 'standard' off-street, car parking spaces is vacant. Given the lightly trafficked nature of Charlcombe Lane combined with the slow speed at which motor vehicles travel along the lane, the arrangement is acceptable to HDC officers.

Plot 3 (new dwelling) is to be accessed via an existing un-adopted road off of Charlcombe Way. Receipt of further information from the developer on 7th May 2021 confirms that the applicant does not own the triangular area of land directly south-east of this existing junction which effectively rules out improvements to its current layout.

The private access road currently provides vehicular access to the remote garage associated with the existing cottage together with access to the water works for Wessex Water vehicles. Currently motor vehicles exiting the application site, via the private access road, are required to reverse onto Charlcombe Way with little or no visibility of other motor vehicles using the carriageway or vulnerable road users, such as pedestrians and cyclists. However, officers have previously acknowledged that there is no history of Personal Injury Collisions (PICs) in the vicinity of the junction of Charlcombe Way and the private access road.

Whilst HDC officers maintain that the existing vehicular access to the site is sub-standard in terms of width and visibility, there is no evidence that its existing use is prejudicial to highway safety. It is also acknowledge that, should planning permission be granted, the private access road will continue to provide vehicular access to parking associated with a single dwelling, as it currently does, given that parking for the existing dwelling will be relocated.

The construction of 'Plot 3' includes the provision of on-plot turning facilities which will enable future occupiers to manoeuvre their car such that they can enter the adopted public highway in a forward gear, albeit via a multi-point manoeuvre, which is a benefit in terms of highway safety as it increases visibility to other motorists using Charlcombe Way as well as vulnerable road users. Paragraph 109 of the 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".

Based upon the available PIC data, officers are unable to demonstrate that the construction of 'Plot 3' would have an unacceptable impact on highway safety, especially as it is recognised that the provision of on-plot turning facilities will enable future occupiers to enter the adopted public highway in a forward gear, which is to be beneficial in highway safety terms. Officers are also unable to demonstrate that the impact of the construction of 'Plot 3' on the local highway network would be "severe".

In summary, a vehicular access to the application site exists and, currently, motor vehicles are required to reverse onto Charlcombe Way with little or no visibility of other motor vehicles using the carriageway or vulnerable road users. Having reviewed the PIC data, there is no evidence that the use of the current access is prejudicial to highway safety. Whilst officers note that the access is sub-standard in terms of width and visibility, there are no opportunities to improve the current situation. Plot 3 includes the provision of on-

plot turning facilities which will allow future occupiers to enter the adopted public highway in a forward gear, which is recognised to be an improvement in highway safety terms.

The Waste Management strategy confirms that that future occupiers of 'Plot 3' will be required to transport refuse and recycling bins to the kerbside for collection, given that B&NES operative does not, as a rule, enter private land for collection purposes, which is acceptable. The waste management strategy is acceptable.

A number of third parties have raised concerns over the construction works and access. The construction period itself may cause some disturbance, however this will be temporary and is not considered grounds for refusal. The site is located on a no-through way road and given the size of the site there will be some ability to store materials/ confine works within its limits. Nevertheless, it is considered a construction management plan will control and seek to limit the impacts of construction. This will be condition.

Third parties have raised concerns to local walkers. Whilst this may be a walking route locally, there is no public right of way adjacent or through the site which will be impacted as a result of the scheme. Walkers/ pedestrians will still be able to traverse the local area as they do now.

Third parties have questioned the finish arrangements for the proposed parking for the Waterworks cottage. Details are shown on the layout and sections, however materials finishes aren't included, the hard landscaping condition will cover this to some extent but a specific condition will be included pertaining to the details of this element.

On balance, HDC officers raise no highway objection for the reasons summarised above, subject to the conditions 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.

#### FLOODING AND DRAINAGE:

The site is located in Flood Zone 1. The applicant has indicated that surface water will be discharged to soakaways. BGS infiltration maps indicate that this location is likely to be free draining. The Flooding and Drainage Team have raised no objection, noting that all drainage works are to comply with Building Regulations Approved Document Part H noting the requirement for onsite infiltration testing to confirm viability of soakaways and inform their design.

Objectors raised concerns that utility infrastructure including drainage, did not have capacity for two additional dwellings in this location. The Flooding and Drainage Team have not raised concerns on this ground, nor have Wessex Water who regularly comment on applications in regard to local drainage network capacity. The site is located in the built-up area where it is not envisage there will be significant problems with electricity or broadband giving the surrounding house have access to this.

#### COMMUNITY INFRASTRUCTURE LEVY:

The site would generate additional residential floor space within the Bath city area and is subject to contributions via the infrastructure Levy in line with the Council's adopted Planning Obligations SPD.

#### SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For minor new build development a 19% reduction in CO2 emissions is required by sustainable construction. In this case the submitted SCC shows that a 33.88% CO2 emissions reduction has been achieved from energy efficiency and/or renewables. Therefore the proposed development is compliant with policy CP2 in this instance.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). These matters can be secured by a relevant planning condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g. border planting, window boxes, vertical planting, raised beds etc.).

#### POLLUTION:

Policies PCS1 and PCS2 have regard to pollution, noise, and nuisance. Third parties have raised concerns to all three elements. The proposal is not considered to result in risks of pollution being for an extension and two further dwellings. The impact of additional pollution from cars associated with the development is not considered grounds for refusal given that it meets the required parking standards as prescribed by the placemaking plan. Furthermore, future residents may have electric vehicles. The addition of two dwellings in a residential area is not considered to result in noise pollution to existing residents, it is noted that the two plots will only be bound directly by neighbours to the south east, the road and countryside bounds the other sides. There may be some temporary noise during construction, but this will be strictly controlled by the construction management plan, and will be temporary. Light pollution levels are considered acceptable, and not beyond the normal for a standard house, a lighting strategy has been submitted which is discussed in the ecology section below and will be secured by condition.

#### ECOLOGY:

An ecological appraisal has been submitted with the scheme, Bat Emergence and Activity surveys have been undertaken, an ecological mitigation and enhancement plan has also been submitted along with a lighting strategy and Biodiversity Net Gain (BNG) calculations.

Further ecology surveys have been undertaken during the course of the application for amphibians and badgers, DNA test results for the pond have been submitted confirming great crested newt is not present in the nearby pond, and further checks have been carried out to ascertain whether there is badger activity on the site. No active setts were present.

The submitted BNG calculations are accepted. A net gain of 10.38% has been achieved on habitat units while a net gain of 928.53 % was achieved on hedgerow units. The revised "Setting Out Site Plan" now includes the complete site and includes a revision to remove a small area of land that is not within the applicant's ownership - an equivalent area of dedicated wildlife enhancement zone has been extended within the site of plot two - these revisions are accepted.

A Lighting Strategy has been submitted, which is welcome. Proposed measures for recessed downward light fittings are accepted, and low-level lighting bollards are accepted. An additional lighting report has been submitted which provides confidence in the ability of the scheme to avoid light spill onto wildlife habitats and within the dedicated wildlife zones.

The council ecologist has questioned who will be responsible for the dedicated wildlife areas and how the long-term maintenance of these, with suitable habitat conditions, will be secured and remain enforceable. Each of the three wildlife enhancement areas falls within one of the three plots. Therefore, each area will be in the ownership of each future owner. The area hatched in red on the 'Setting out Plan' identifies each wildlife enhancement area. The areas will not form part of the domestic curtilage/ garden and will be separated by picket fencing. A condition will be included that secures the Management and upkeep of the Ecological Enhancement areas and habitat zones identified in perpetuity. These areas will be in ownership of each property and a Management Plan in place, set up by a mechanism that ensures the cost and responsibility falls to each future owner to maintain in perpetuity through a management plan condition. The separate delineation of these areas will also be conditioned.

In addition, a long-term monitoring and reporting regime (as requested by Froglife) will be required as part of the Ecological Management Plan, to monitor and evaluate incidence of toads within the site and habitat areas; retention and suitability of habitat for toads; and effectiveness of mitigation measures on amphibians (toads) in the longer term. Details of how this will be resourced and who by to be provided within the Ecological Management Plan.

The council ecologist has no longer raised an objection subject to conditions.

#### OTHER MATTERS:

Third parties raised concerns that a site notice was not erected. The proposal is not of a scale, or in a location where the requirement for a site notice to be erected is triggered. In accordance with the Development Management Procedure Orders, the council has fulfilled its statutory duty of notify neighbours through serving notice.

Land ownership concerns have been raised. The applicant has signed certificate B and served notice on landowners. It is considered the correct procedure has been followed. The council does not have jurisdiction over land ownership, this is a civil matter.

Objectors have raised concerns over the capacity of local utilities, however the council has no evidence that the proposed two additional dwellings within the city would not be able to link up with the existing utilities of the city, including drainage, electricity and broadband which are all readily available.

Third parties have raised concerns that the unadopted road leading to plot 3 only has right of access for one dwelling however the application seeks to reinstate a footpath to the waterwork Cottage which will exist onto this road. Waterworks cottage will have pedestrian access from Charcombe Lane, as well as vehicular access. Plot 3 will be accessible via the unadopted road. Whilst the applicant may need to seek changes to legal rights of way documents, the footpath will be physically usable. It is not considered that the access concerns raised preclude the granting of permission.

Neighbours have raised concerns about the impact to a telegraph pole located on the very corner tip of the plot next to the existing access. The proposal makes no alterations to the access and therefore will not affect the telegraph pole, it is not proposed to relocate this. as such there should be no impact to landlines or broadband locally. The telegraphy pole is understood to be located on Wessex Water land.

#### PLANNING BALANCE:

As set out in the sections above, paragraph 197 of the NPPF states that, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Policy HE1 of the Placemaking Plan requires that, even for non-designated heritage assets, public benefits are considered in the balance.

The harm is considered to be at the very lower end of less than substantial. It is not considered that there is any harm to the historic association of the cottage with the waterworks as a result of the proposed extension or built form, the cottage will be retained and therefore the historic association significance of the cottage will be retained, however there will be some impact to the architectural significance and the setting (despite the latter not forming part of the reason for its NDHA designation). The harm arising from the addition of the extension is considered to be, in the words of the NPPF, at the very lower end of less-than-substantial harm. The harm arising from the loss of the central location of the cottage within its current garden due to the positioning of plot 2 is also considered to result in less than substantial harm at the very lower end of the scale. Overall, the combined harm is considered to be at the very lower end of less than substantial.

The benefits of the proposal include:

- Removal of a later addition lean to from the cottage, this is afforded minor weight
- High quality extension will modernise the cottage and ensure it remains in its optimal viable use, securing longevity, this is afforded minor weight

- a garden pathway has been physically reintroduced to the rear of the cottage, leading to the access road, to maintain the visual historical link between the cottage and the original Waterwork's building, which has been lost. This is afforded limited weight
- Creation of construction jobs for a temporary period, this is afforded minor weight
- Addition of two further dwellings to the housing supply for the city, this is afforded limited weight
- CIL contributions from the floorspace created by the two additional dwellings, this is afforded minor weight
- Small benefit to highways safety resulting in cars being able to exist the adopted track in forward gear due to the new turning circle, this is afforded minor weight
- Biodiversity net gain achieved on the site, this is afforded limited weight

Individually each of the above benefits is afforded limited weight, cumulatively they are however considered to outweigh the very lower end of less the substantial harm arising from the impact of the extension to the already limited architectural significance of the cottage and the introduction of plot two to the setting of the cottage the garden of which does not form part of the NDHA designation.

The proposal is considered to comply with Policy HE1 of the Placemaking Plan, the Core Strategy and the NPPF. As such the proposal is recommended for permission.

## **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 Materials - Submission of Materials Schedule (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out 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.

### **3 Hard and Soft Landscaping (pre-commencement)**

No development 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 and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed levels, walls, fences and other boundary treatment and surface treatment of the open parts of the site and a programme of implementation.

Reason: to ensure that adequate mitigation for the landscape impact of the proposals and the provision of appropriate hard and soft landscape scheme has been agreed prior to the commencement of the development in accordance with Policies GB, NE2, NE2A and NE6 of the Bath and North East Somerset Council Local Plan.

### **4 Hard and Soft Landscape Implementation (pre-occupation)**

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the use of the site or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: to ensure that the agreed hard and soft landscape scheme is implemented.

### **5 Hard and Soft Landscaping Maintenance to Completion (compliance)**

Any trees or other plants indicated in 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. Hard landscape features will be maintained in perpetuity.

Reason: to ensure that the agreed hard and soft landscaping scheme is established and maintained.

### **6 Parking (Compliance)**

The areas allocated for parking and turning, as indicated on submitted plan reference P01 Revision D, 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.

### **7 Bound/Compacted Vehicle Access (Pre-occupation)**

No occupation of each dwelling shall commence until the vehicular access serving that dwelling 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.

### **8 Parking Area Details (Pre-commencement)**

Prior to commencement details of the finishes to the parking areas for each dwelling, including the retaining walls of Plot one's parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the details so approved.

Reason: To ensure adequate off street parking as well as appropriate character and appearance in accordance with Policies ST7 and D1-D5 of the Bath and North East Somerset Council Placemaking Plan.

### **9 Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until bicycle storage for at least six bicycles (two spaces per dwelling) 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.

### **10 Construction Management Plan (Pre-commencement)**

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

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

### **11 Flood Risk and Drainage - Infiltration Testing (Pre-occupation)**

The development hereby permitted shall manage surface water onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways shall be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques.

If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and the development subsequently undertaken in accordance with those approved details.

The soakaways or other approved method of surface water drainage shall be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

### **12 Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) (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, as applicable: a plan showing exclusion zones and specification for fencing of exclusion zones; details and specifications of all necessary measures to avoid and minimise ecological impacts and harm to amphibians (in particular toads) during site preparation, clearance, excavation and construction and from construction traffic for the duration of works; findings of update surveys or pre-commencement checks of the site; and details of an ecological clerk of works. The CEMP shall specifically include (but not be limited to) provision of details as above, method statements and timescales of measures for the avoidance of harm to amphibians (in particular toads), reptiles and badger. The approved CEMP 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 before and during construction

NB. The above 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.

### **13 Ecological Mitigation Scheme (Compliance condition)**

The development hereby approved shall be carried out only fully in accordance with the approved Ecological Mitigation and Enhancement Plan dated 27th Jan 2021 and Biodiversity Net Gain Calculation dated 11th March 2021 by Quantock Ecology. All measures shall thereafter be adhered to and features retained and maintained in accordance with approved details.

Reason: to avoid harm to ecology including a regionally important amphibian population (toads) and protected species (including reptiles badger and nesting birds).

### **14 Ecological Management Plan (Pre-Commencement)**

No development shall take place until full details of an Ecological Management Plan, specific to the land areas and habitats shown on the approved "Ecological Mitigation and Enhancement Plan" dated 27th Jan 2021 and "Biodiversity Net Gain Calculation" dated 11th March 2021 by Quantock Ecology, have been submitted to and approved in writing by the local planning authority. These details shall include:

- long term wildlife conservation aims and objectives, to include the provision of wildlife areas,

hedgerows and rough grassland margin with suitable habitat conditions for toads and other

amphibians and wildlife such as reptiles, hedgehog, nesting birds and badger;

- Proposed management and maintenance operations and prescriptions to achieve the stated

aims and objectives

- a plan showing boundaries and locations of the above

- A list of activities and operations that shall not take place and shall not be permitted within the wildlife areas and habitats, for example use of herbicides, waste disposal, inappropriate

maintenance methods, storage.

- Proposed legal responsibility for wildlife areas and habitats, and their long term management

and maintenance costs and implementation, with details of the proposed mechanism to provide

long term planning enforceability for example covenants or legal agreement

- Proposed long term ecological monitoring of toad occurrences and habitat suitability, with proposed reporting and remediation, to include details of who shall be responsible for commissioning and submitting monitoring reports and associated costs. Monitoring reports shall be submitted to the LPA in accordance with agreed timescales.

- All works within the scheme shall be carried out and the land managed and maintained and utilised thereafter only in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: in the interests of securing long term avoidance of harm to biodiversity including local

amphibian population (toads) and their migration route.

### **15 Ecological Enhancement Areas (Compliance)**

The areas of Ecological Enhancement shown on drawing 04 Jun 2021 P17F Setting Out Site Plan shall not form part of the domestic garden of the dwellings whose respective plots they are within. The ecological enhancement areas will be retained in perpetuity. Marked delineation of the ecological enhancement area will be maintained in perpetuity.

Reason: to ensure the ecological net gain achieved by the scheme is maintained in perpetuity.

### **16 Ecology Follow-up Report (Pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist based on post-construction on-site inspection by the ecologist, confirming and demonstrating, using photographs, adherence to and completion of the approved CEMP and Ecological Mitigation and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the CEMP and construction phase ecological mitigation requirements, 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.

### **17 External Lighting (Bespoke Trigger)**

No new external or internal lighting shall be installed 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; and details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees, wildlife habitat, 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.

### **18 Sustainable Construction (Pre-Occupation)**

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

- o Table 2.4 (Calculations):
- o Building Regulations Part L post-completion documents

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

### **19 Water Efficiency - Rainwater Harvesting (Pre-occupation)**

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

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

### **20 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.

### **21 Plans List (Compliance)**

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

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

## **PLANS LIST:**

1 This decision relates to the following plans:

30 Oct 2020 Wessex Water Mains Water And Sewer Map  
30 Oct 2020 S01 Existing Site Plan  
09 Nov 2020 S03a Existing Site Appraisal  
12 Mar 2021 Sko5 Swept Path Analysis Jct  
12 Mar 2021 Sko6 Swept Path Analysis Plot 2  
02 Apr 2021 S02 Existing Elevations  
30 Oct 2020 P00 Existing - Site Location Plan  
28 Jan 2021 P12b Plot 3 Proposed Floor Plans + Section  
28 Jan 2021 P13b Plot 3 Proposed Elevations (South And West Facing)  
28 Jan 2021 P14b Plot 3 - Proposed Elevations (North And East Facing)  
28 Jan 2021 P18c Plot 2 - Proposed Basement Plan  
28 Jan 2021 P19c Plot 2 - Proposed Lower Ground Floor Plan  
28 Jan 2021 P20c Plot 2 - Proposed Upper Ground Floor Plan  
28 Jan 2021 P21c Plot 2 - Proposed North Facing Elevation  
28 Jan 2021 P22c Plot 2 - Proposed West Facing Elevation  
28 Jan 2021 P23c Plot 2 - Proposed South Facing Elevation  
28 Jan 2021 P24d Plot 2 - Proposed East Facing Elevation  
28 Jan 2021 P25a Cottage Extension Plans  
28 Jan 2021 P26a Cottage Extension - Proposed Roof Plan  
28 Jan 2021 P29a Plot 2 - Proposed Roof Plan  
28 Jan 2021 Sk01 Rev 1 Swept Path Analysis - Car Parking  
28 Jan 2021 Sko2 Rev E Swept Path Analysis - Ambulance  
01 Feb 2021 P28b Cottage Extension - Elevations  
16 Feb 2021 P01 D Proposed - Site Plan  
16 Feb 2021 P03 C Proposed - Site Sections Aa + Bb  
16 Feb 2021 P27 C Proposed - North & South Facing Elevations  
04 Jun 2021 P15f Car Tracking A1  
04 Jun 2021 P16f Lighting Strategy  
04 Jun 2021 P16f Lighting Strategy

## **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](http://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](http://www.bathnes.gov.uk/cil)

### **5 Responding to Climate Change (Informative):**

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

**Item No:** 08  
**Application No:** 21/01412/FUL  
**Site Location:** Unregistered Unit 1-4 Old Station Yard Avon Mill Lane Keynsham  
Bath And North East Somerset



**Ward:** Keynsham East                      **Parish:** Keynsham Town Council                      **LB Grade:** N/A

**Ward Members:** Councillor Hal McFie                      Councillor Andy Wait

**Application Type:** Full Application

**Proposal:** Erection of 3no. acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6:30am and 5:30pm (Monday-Friday) 8:00am-1:00pm Saturday and 7:30am-5:30pm (Bank Holidays); permission to allow other specified operations at the site between 7:30am and 6:30pm (Monday-Friday) and 8:00am and 1:00pm (Saturday) and 7:30am-5:30pm (Bank Holidays); and permission to store materials in external yard area (re-submission of planning application 20/02008/FUL).

**Constraints:** Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Railway, SSSI - Impact Risk Zones,

**Applicant:** 4Concrete Bristol Ltd

**Expiry Date:** 18th May 2021

**Case Officer:** Martin Almond

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

## REPORT

The application is being considered at Planning Committee following a request from the Director - Development and Public Protection. It should be noted that objections were received to the application from Cllr Wait and Keynsham Town Council in regard to the

proposal. They requested that the application be considered by Committee if the application was recommended for approval.

Planning permission is sought for the erection of three sections of acoustic barriers (one 5.5m high and one 5m high) on land at Old Station Yard, Avon Mill Lane, Keynsham. Planning permission 20/02008/FUL was granted in November 2020 for the erection of one 3.5m high and one 6m high barrier.

The barriers are proposed to allow the company operating from Unit 1-4 Old Station Yard, 4Concrete, to fill and dispatch concrete mixing vehicles between 6.30am and 6.30pm Monday to Friday. Current planning conditions attached to a historic planning permission restrict working hours at the site to between 7.30am and 5.30pm Monday to Friday. There are no proposed changes to the permitted Saturday working hours of 8am to 1pm. No working on a Sunday is allowed. The current condition allows for the site to operate on Bank Holidays.

The site is located off Avon Mill Lane and is positioned between the Great Western railway line and residential properties located on Vandyck Avenue and Avon Close. The site is located adjacent to the Keynsham Conservation Area.

Relevant planning history:

WK8222/B - Erection of new workshop with separate office block light industrial - permit 03.06.1986

WK8222/C - Erection of offices and masons workshop - permit 02.02.1987

WK8222/G - Erection of new workshop and office extension, use of yard for stone storage and junction improvements - permit 17.02.1989

DC - 96/02319/REN - PER - 28 November 1996 - Continued variation of condition 3 of planning permission WK 8222/C to allow working hours 7.30am - 7.30pm Monday to Friday as amended by letter and information received 18th February 1994.

DC - 96/02320/REN - PER - 28 November 1996 - Continued variation of condition 3 of planning permission WK 8222/B to allow working hours 7.30am - 7.30pm Monday - Friday as amended by letter and information received 18th February 1994.

DC - 96/02321/REN - PER - 28 November 1996 - Continued variation of condition 3 of planning permission WK 8222/G to allow working hours 7.30am - 7.30pm Monday to Friday as amended by letter and information received 18th February 1994.

DC - 98/02044/REN - PER - 21 January 1999 - Continued variation of condition 3 of planning permission WK 8222/B dated 31 July 1986 to allow 24 hour operation of saws 7 days a week.

DC - 98/02045/REN - PER - 21 January 1999 - Continued variation of condition 3 of Planning Permission WK 8222/C dated 11 March 1982 to allow 24 hour operation of saws 7 days a week

DC - 98/02046/REN - PER - 21 January 1999 - Continued variation of condition 3 of planning permission WK 8222/G dated 16 August 1989 to allow 24 hour operation of saws 7 days a week

DC - 98/03126/REN - PER - 16 April 1999 - Continued variation of Condition 3 of Planning Permission WK 8222/C dated 11th March 1987 to allow working hours 7.30 am - 7.30pm Monday to Friday.

DC - 98/03127/REN - PER - 16 April 1999 - Continued variation of Condition 3 of Planning Permission WK 8222/G dated 16th August 1989 to allow working hours 7.30am - 7.30pm Monday to Friday.

DC - 99/01237/FUL - PERMIT - 7 June 2000 - 10 x 10 metre extension to existing building (bankers shop)

DC - 99/01248/VAR - PERMIT - 12 May 2000 - Variation of condition 3 of planning permission WK8222/G dated 16.8.89, to allow 24hour operation of saws, 7 days a week

DC - 99/01249/VAR - PERMIT - 12 May 2000 - Variation of condition 3 of planning permission WK8222/B dated 31.7.86 to allow 24 hour operation of saws, 7 days a week

DC - 99/01250/VAR - PERMIT - 12 May 2000 - Variation of condition 3 of planning permission WK8222/C dated 11.3.87 to allow 24 hour operation of saws, 7 days a week

DC - 99/01251/VAR - PERMIT - 12 May 2000 - Variation of condition 3 of planning permission WK8222/C dated 11.3.87 to allow working hours 7.30am-7.30pm Monday to Friday

DC - 99/01252/VAR - PERMIT - 12 May 2000 - Variation of condition 3 of planning permission WK 8222/B dated 31.7.86 to allow working hours 7.30am - 7.30pm Monday to Friday

DC - 99/01253/VAR - PERMIT - 12 May 2000 - Variation of condition 3 of planning permission WK8222/G dated 16.8.89 to allow working hours 7.30am-7.30pm Monday to Friday

DC - 99/02663/FUL - PER - 21 July 1999 - Proposed emergency fire escape to first floor offices.

DC - 99/02720/FUL - PER - 25 August 1999 - Replacement of the existing flat roof over saw sheds with a sloping roof.

DC - 01/01178/VAR - PERMIT - 25 October 2001 - Permanent variation of condition 3 of planning permissions WK8222/B, C and G to allow 24hour operation of saws 7 days a week (Hanson Bath and Portland Stone Yard)

DC - 03/02787/FUL - PERMIT - 29 December 2003 - Replacement clipper shed and changing room

DC - 19/05280/FUL - PERMIT - 29 January 2020 - Erection of 2no silos (Retrospective).

DC - 20/02008/FUL - PERMIT - 23 November 2020 - Erection of 2no. acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6:30am and 5:30pm (Monday-Friday) 8:00am-1:00pm Saturday and 7:30am-5:30pm (Bank Holidays); permission to allow other specified operations at the site between 7:30am and 6:30pm (Monday-Friday) and 8:00am and 1:00pm (Saturday) and 7:30am-5:30pm (Bank Holidays); and permission to store materials in external yard area.

DC - 20/04817/NMA - APP - 18 December 2020 - Non-Material Amendment to 20/02008/FUL (Erection of 2no. acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6:30am and 5:30pm (Monday-Friday) 8:00am-1:00pm Saturday and 7:30am-5:30pm (Bank Holidays); permission to allow other specified operations at the site between 7:30am and 6:30pm (Monday-Friday) and 8:00am and 1:00pm (Saturday) and 7:30am-5:30pm (Bank Holidays); and permission to store materials in external yard area.)

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Cllr Andy Wait: I would like to call in this application to the B&NES Planning Committee. There is a very contentious issue with the disagreement of residents about the original application for acoustic barriers. Concerns about noise and dust pollution. There has also been a concern about the barrier already erected in the wrong place as to its effectiveness.

Keynsham Town Council: Previous objections submitted by Keynsham Town Council are reiterated as following, together with further submission comments:

- Reconsideration of planning use of site.
- Hours of work not adhered to.
- Concern regarding submitted noise assessment.
- Insufficient ecological assessment.
- Suggested conditions.

Network Rail: No objection.

Wales and West Utilities: Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Aboriculture: No objection subject to condition.

Ecology: No objection subject to condition.

Highways: Highway Development Control (HDC) officers acknowledge that the application is a resubmission of previous application reference 20/02008/FUL. HDC officers were consulted and recommended that no objection be raised on highway grounds and the application was subsequently permitted. Given that the current application is a resubmission of previous application reference 20/02008/FUL, HDC officers maintain their

previous advice that no objection be raised on highway grounds, for the reasons previously summarised.

Notwithstanding this, HDC officers note that the current application is supported by a 'Site Management Plan' (SMP) prepared by Pegasus Group dated June 2021. Officers consider that all activities associated with 4Concrete must be contained wholly within the application site. Therefore, the statement that "where space cannot be made in time, there is sufficient space around and along the site entrance to allow vehicles to wait without obstructing traffic along Van Dyke Avenue" is not acceptable to the Local Highway Authority (LHA).

Officers acknowledge that the entrance into the application site is not adopted public highway, however, we cannot support a scheme which promotes stationary vehicles waiting on the highway, regardless of its status, alongside residential dwellings. The statement shall be removed from the SMP. On occasions when "space cannot be made in time" vehicles should be turned away from the application site and drivers advised to return at a later time when space will be available, especially as there is no indication of the number of vehicles which could sit stationary on the highway with their engines running, thereby causing unnecessary nuisance to residents and, potentially, compromising highway safety.

Environmental Protection: I have reviewed the documents in respect of this application. The proposed barriers are predicted to deliver the same benefit as with the previous application.

In respect of the benefit of the proposed noise barriers, I would suggest the following condition in order to secure the stated reduction in noise levels:

Noise generated by activities at the development site shall not exceed the following limits, when assessed in accordance with BS 4142:2014+A1:2019 at the nearest residential receptor:

07:30 - 18:30hrs Monday - Friday and Saturday 08:00 - 13:00hrs: Assessment Level <10dB

06:30 - 07:30hrs Monday - Friday: Assessment Level  $\leq$ 55dB and LA<sub>max,F</sub> 57dB at bedroom window

In order to mitigate the impact of the proposed extended hours, the applicant has provided a management plan which aims to restrict the activities which can take place within these hours, if permitted. I would suggest that the content of the management plan be secured by condition, as follows, in order provide adequate protection to neighbouring residents:

The activities at the development site shall comply fully with the conditions within the Site Management Plan reference DM/P19-1252, March 2021. The Plan shall not be subject to change without the written permission of the Local Planning Authority.

16 third party objections received, covering the following topics:

- Appropriateness of site for current business,
- Installation of part of proposed barrier ineffective,
- Proposed barrier will not work,

- Current conditions are not adhered to at the site,
- Previous uses caused no disturbance,
- Increase in vehicle movements,
- Environmental issues,
- Lawful use of site,
- Highway safety,
- Length of working hours,
- Submitted noise assessment is not acceptable,
- Highway safety,
- Loss of trees and vegetation,
- Use of highway for reversing.

## **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:

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

- o Policy DW1 - District Wide Spatial Strategy
- o Policy SD1 - Sustainable Development
- o Policy CP6 - Environmental Quality
- o Policy CP7 - Green Infrastructure

### 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:

- o Policy D1 - General Urban Design Principles
- o Policy D2 - Local Character and Distinctiveness
- o Policy D3 - Urban Fabric
- o Policy D5 - Building Design
- o Policy D6 - Amenity
- o Policy NE1 - Development and green infrastructure

- o Policy NE3 - Protected Species
- o Policy NE5 - Ecological networks
- o Policy NE6 - Trees and woodlands
- o Policy PCS1 - Pollution and nuisance
- o Policy PCS2 - Noise and vibration
- o Policy PCS5 - Contamination
- o Policy D8 - Lighting
- o Policy HE1 - Historic environment

The National Planning Policy Framework (NPPF)

The National Planning Practice Guidance

## 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. Design, character and appearance,
2. Residential amenity,
3. Highway safety
4. Impact on trees
5. Impact on ecology
6. Conservation area

### PROPOSAL

The planning application seeks to extend the permitted operating hours that have been consistently imposed at the site since planning permission was first granted in 1986. The relevant condition for the site as approved under application 8222/B states:

"Working on site (including the loading and unloading of vehicles) shall be restricted to the following hours:

7.30am - 5.30pm Monday-Friday

8.00am- 1.00pm Saturday

And no machinery shall be operated outside these specified times."

There are no existing controls over working on Bank Holidays.

As part of the submission, the applicant proposes to erect two noise attenuation fences, one at 5m high on a part of the 'yard' boundary and a 5.5m high fence on the opposite side of the vehicle access to the 'yard'.

The 5m high boundary fence has already been erected at the site - this element of the application is therefore deemed retrospective.

The applicant has identified that the scheme approved under 20/02008/FUL cannot be implemented, stating the following reasons:

- The imposition of a temporary condition, requiring a test for the efficacy of the fence after a year, has meant that 4Concrete were unable to secure the necessary financing to implement the permission.
- The cost of the materials for the fence has also increased dramatically from what was previously anticipated as a result of both Brexit and the Covid-19 pandemic. The cost of erecting the fence on the scale proposed was, therefore, prohibitive.
- The presence of an overhead powerline on the site which would have prevented the fence from being constructed in the approved location due to the need to drop slates/panels in from a higher position.
- The power lines could have been re-routed; however, the additional cost associated with this was prohibitive. Setting the fence slightly back from the southern boundary would have resolved the issue also; but again, the overall quantum meant that the cost of doing this would also have been prohibitive.

The application proposes allowing the filling of concrete mixing vehicles from 6.30am with a maximum of four vehicles to be filled and depart the site between 6.30am and 7.30am Monday to Friday. The application proposes that work on the site would finish at 6.30pm Monday to Friday. Saturday working hours would remain unchanged and no working by 4Concrete is proposed to take place on Sundays. Whilst the applicant has identified reasons why the extant permission is at present unviable, the previous permission had a three year period of commencement condition attached and therefore could still be implemented if circumstances changed.

A comprehensive management plan has been submitted to accompany the application.

## DESIGN, CHARACTER AND APPEARANCE

The first and second sections of fence are 5m timber acoustic fencing and have already been erected and are positioned behind an existing metal palisade fence typically found within industrial settings for an overall length of approximately 26m except for an approximate length of 6.2m to allow for the vehicle access. The second 5.5m fence would be positioned directly opposite the main yard area operated by 4Concrete on the other side of the access road and be approximately 23m in length.

The 5m fence will not be readily visible from the wider area with the fence being positioned beyond the site entrance and at an oblique angle to Avon Mill Lane. Glimpses of this fence will be possible from Vandyck Avenue however this will be read in the context of the existing site character and appearance and building heights. The timber fence will be located adjacent to an existing area of boundary planting which will require some

pruning. Whilst the fence is taller than what could be considered normal for this area it is constructed in high quality materials.

The third section of proposed fence is a 5.5m high timber fence positioned on the opposite side of the access road through the site and opposite the 5m high fence. A vehicle access gate of approximately 2.8 is located off-centre in this section of fence. The area to the rear of the fence will be used for employee parking with the gate opening stated as being limited to the start and end of the working day. Given the height of buildings visible from public vantage points already at the site it is not considered that the fence will appear significantly out of character with its surroundings, again because of the arrangement of the fence and the orientation of the access lane, direct views of the fence are limited. The erection of this section of fence will require two moderate quality trees and one Category U tree to be removed in their entirety. In addition, the southern fence will require the partial removal of two low-quality hedgerows and one low-quality tree group. An area to the front of the site has been identified as suitable for replacement planting of two trees.

## RESIDENTIAL AMENITY

The increase in hours of operation by the applicant has the potential for nearby residential properties to be affected by noise and disturbance for longer periods during the day between Monday to Friday with an extra hour of operation between 6.30am and 7.30am and 5.30pm and 6.30pm above that already controlled by the historic planning permission.

The applicant has proposed the erection of the three sections of fencing at 5m and 5.5m to attenuate noise from the earlier activity at the site and general activity during the working day. At present, the site is permitted to operate between 7.30am and 5.30pm Monday to Friday and 8am to 1pm Saturday with no barriers to attenuate noise.

The main part of the site for the loading of concrete vehicles is located approximately 44m from the nearest residential property. This activity will take place behind the 5m fence on the yard boundary and benefit from the additional 5.5m high fence on the opposite side of the access lane.

The proposed vehicle parking area is located approximately 10m from the closest residential property. No attenuation fencing is proposed to the southern boundary between the parking area and the residential property. This area is proposed to be used solely for employee vehicle parking. The ground level of this area is located 2.7 m below the top of the landscaped bund adjacent to the nearest residential property at 1 Vandyck Avenue.

The application proposes allowing the filling of concrete mixing vehicles from 6.30am with a maximum of four vehicles to be filled and depart the site between 6.30am and 7.30am Monday to Friday as set out in the submitted operational statement. No other activities associated with the day to day operation of the site will take place before 7.30am and all other day to day activities undertaken by 4Concrete will take place within the attenuated yard area.

The updated management plan states that no activity will be undertaken by 4Concrete in the 'Eastern Yard'. The 'Eastern Yard' is now occupied by a car sales company and is not used by 4Concrete. A new horizontal silo has been placed adjacent to the main building

on-site as a means to store additional raw materials. This is considered to be permitted development under Schedule 2, Part 7, Class I of the General Permitted Development Order 2015. It is considered that the operation of this equipment does not contribute to noise levels when assessed against the general noise output from the site.

In respect of the proposal's impact upon the residential amenity of neighbouring properties it is considered that the greatest potential for disturbance arises from the concrete loading process, from vehicle movements before and after the concrete loading process. and from washing out/maintenance of the vehicles.

Policy PCS2 of the Placemaking Plan states that:

Development will only be permitted where it does not cause unacceptable increases in levels of noise and/or vibration that would have a significant adverse effect on health and quality of life, the natural or built environment or general amenity unless this can be minimised or mitigated to an acceptable level.

The application has been submitted with a noise impact assessment to consider the use of the site and methods to attenuate noise emitted from its use. The noise impact assessment has been assessed by Environmental Protection who consider that the proposed barriers will reduce noise levels from the site significantly. Environmental Protection have suggested conditions should the application be approved which would seek to limit noise levels arising from activity at the site and require the activities to be undertaken in accordance with the submitted management plan.

An acoustic report from adjacent residents was received during the application process, this report considers that the noise levels emanating from the site are excessive and that an assessment level of +0dB would be more appropriate. Whilst this would be an ideal limit to achieve, it has been considered by Environmental Protection as entirely impracticable. While the relevant British Standard is not a means of determining statutory nuisance, it does advise on the likelihood of an adverse impact, depending on context. The context of 4Concrete, its planning use class and use of other sites in the immediate vicinity is such that some degree of impact is to be anticipated and on that basis the suggested noise limits are considered to be reasonable.

The use of attenuation fencing is considered to provide an acceptable way for the business to operate within the proposed hours without causing unacceptable increases in noise levels that would have a significant adverse impact. It is not considered that the additional four vehicle movements departing the site prior to 7.30am will result in significant harm to residential amenity of neighbouring properties given the context of the site and location off Avon Mill Lane and it should be noted that there are at present no controls over the hours that vehicles can enter and exit the site. The extension of the operating hours until 18.30 is not considered to give rise to unacceptable noise increases and offers a greater degree of control to ensure that all activities that take place upon a vehicle's return to site are undertaken within attenuated areas only.

In addition, the attenuation measures are considered to provide a reduction in noise levels emitted from the site throughout the working day which will result in a wider benefit to residential amenity

Due to the position of the proposed fences, the erection of the proposed fencing would not reduce levels of daylight or sunlight to neighbouring properties.

## HIGHWAYS

In terms of this application, the highway considerations relate solely to the changes to operating hours and whether these would lead to an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Highways Officers have assessed the current application as a resubmission of previous application reference 20/02008/FUL albeit that the business has no use of the 'Eastern Yard' and officers maintain their previous advice that no objection be raised on highway grounds, for the reasons below.

Avon Mill Lane is subject to a weight restriction, which prohibits access to vehicles over 7.5-tonnes "Except for Loading", which allows vehicles over 7.5-tonnes to use the lane to load from the application site, that is located within the restricted area. HDC officers are aware that vehicles associated with the existing operator of the site currently use Avon Mill Lane in both directions.

Avon Mill Lane is a popular route for both cyclists and pedestrians and that the current footway provision is largely limited to one side of the carriageway and is sub-standard when compared to the minimum width of two-metres suggested by Manual for Streets (MfS). Officers acknowledge that there are no opportunities to widen the existing footways without either narrowing the carriageway or purchasing third-party land.

Notwithstanding this, officers note that pedestrian access to the child's play area at the southern end of Avon Mill Lane is provided by dedicated routes within 'Keynsham Memorial Park', as a safe alternative to using Avon Mill Lane.

Officers were concerned that the proposed extended hours of operation of the application site would increase the number of vehicular trips undertaken by concrete mixers, however, the applicant has confirmed that the proposed works will not increase the existing number of movements. Officers have no reason to doubt the validity of the information provided by the applicant and there is no evidence that allowing the proposed works will be prejudicial to highway safety.

Due to the 'Eastern Yard' now being unavailable for use by the business it is not possible for the larger vehicles that make deliveries to the yard to turn within the site or the wider industrial estate. Whilst aggregate tipper trucks are able to manoeuvre within the access lane, articulated lorries reverse into the site having pulled into Van Dyck Avenue using the public highway.

The applicant previously estimated that the extended operating hours will require between two and four members of staff to be on site for a 6.30am start and the 'Site Management Plan', received on 2nd October 2020, confirms that there will be a requirement for two members of staff to be on site at 6.15am, 15-minutes prior to the commencement of vehicles being filled. HDC officers do not consider that the earlier arrival of two members of staff will prejudice highway safety.

Paragraph 109 of the 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. Given that there have been no recorded personal injury collisions on Avon Mill Lane during the previous 60-month period and that the proposed works will not increase the number of movements by concrete mixer, there is no evidence that by permitting the works, there will be an unacceptable impact on highway safety, or that the cumulative impact on the road network would be severe.

## TREES

The application is accompanied by an Arboricultural Impact Assessment which identified tree and hedge removals and pruning requirements to enable the erection of the proposed fencing.

No objection is raised in respect of the proposed tree removals subject to onsite replacement planting which could be incorporated within a wildlife scheme. The southern tree belt provides delineation between the industrial use to the north and residential community to the south and contributes towards visual screening of the site for immediate residents.

## ECOLOGY

The submitted ecological report identifies that the assessment of the scheme is consistent with the works proposed. No additional lighting is required which could have had an adverse impact upon wildlife. The proposal is not considered to adversely affect protected species and conditions for planting and wildlife enhancement are proposed.

## CONSERVATION AREA

The site is located adjacent to the Keynsham Conservation Area with the conservation area boundary running just beyond the site entrance. The properties of 1-3 Vandyck Avenue and Sunnymead Care Home are all located within the conservation area.

The site is not considered to be particularly sensitive in heritage terms given its current industrial use and position outside of the designated area and there are no significant historic buildings within the site. In general terms, the enclosed nature of the site and limited views into the site from the conservation area limit the overall impact that the existing site in terms of character and appearance has on the conservation area.

## OTHER MATTERS

Officers have previously concluded and explained why the LPA is satisfied that the site has a B2 planning use class. This application is not seeking a change or clarification of the use of the site and attention is drawn to the assessment undertaken for planning permission 20/02008/FUL. The use class of the site is not under consideration in this application.

## CONDITIONS

Due to the nature of the proposal it is considered appropriate to require the attenuation fencing to be completed and tested for its effectiveness prior to the amended hours of operation commencing to avoid a situation whereby the business began operating to the amended hours without the fencing being in place or effective which would unacceptably impact upon residential amenity. The overall use of the application site will be required to be undertaken in line with the detailed operational statement submitted which affords the local planning authority sufficient control should the operational statement not be complied with.

Because of the requirement to test the effectiveness of the fencing prior to the extended hours commencing it is not considered necessary to grant temporary consent for the fencing. Whilst the previous planning permission conditioned such an instance, there was no requirement to test the fence prior to the extended hours commencing.

Conditions as recommended by consultees in respect of noise, ecological and tree measures have been assessed as necessary to make the development acceptable and are recommended for inclusion on the decision notice.

## CONCLUSION

The proposal to extend the operating hours of the site at the start and end of the day has the potential to impact upon residential amenity through the generation of noise from the business operations outside of the current permitted hours. The applicant has proposed the use of acoustic fencing which has been assessed as providing sufficient attenuation to mitigate noise generated from the amended operating hours and the application affords greater control over the location of business activities undertaken by the applicant. The fencing is considered to contribute to an overall improvement in noise levels experienced by neighbouring properties throughout the working day. On balance having considered the relevant policies and material planning considerations it is considered that the alterations to the operating hours along with the erection of the proposed mitigation measures are acceptable and the application is recommended for approval subject to conditions.

## RECOMMENDATION

PERMIT

## CONDITIONS

### **1 Commencement Time Limit (Compliance)**

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and in the interests of residential amenity.

### **2 Installation of fence (Bespoke condition)**

Operation of the site between 6.30am to 7.30am Monday to Friday and 5.30pm to 6.30pm Monday to Friday shall not commence until the acoustic fences hereby approved have been fully erected and installed in accordance with the approved details and an acoustic report demonstrating that noise generated by activities at the development site do not

exceed the following limits when assessed in accordance with BS4142: 2019 at the nearest residential receptor is submitted to and approved in writing by the local planning authority:

07:30 - 18:30hrs Monday - Friday and Saturday 08:00 - 13:00hrs: Assessment Level <10dB

06:30 - 07:30hrs Monday - Friday: Assessment Level  $\leq$ 55dB and LA<sub>max,F</sub> 57dB at bedroom window

Prior to the preparation and submission of the acoustic report, a document, outlining the methodology by which the acoustic report will be undertaken shall be submitted to and agreed in writing by the local planning authority.

Reason: To ensure adequate safeguards are in place prior to the commencement of earlier operating hours in the interests of residential amenity in accordance with policy D6 of the 2017 Placemaking Plan

### **3 Operational statement (Compliance)**

The use of the land hereby approved shall be carried out only in accordance with the submitted operational statement reference DM/P19-1252 dated as received 18th June 2021.

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

### **4 Noise level limit (compliance)**

Noise generated by activities at the development site shall not exceed the following limits, when assessed in accordance with BS4142: 2019 at the nearest residential receptor:

07:30 - 18:30hrs Monday - Friday and Saturday 08:00 - 13:00hrs: Assessment Level <10dB

06:30 - 07:30hrs Monday - Friday: Assessment Level  $\leq$ 55dB and LA<sub>max,F</sub> 57dB at bedroom window

Reason: To protect neighbouring residents from exposure to Environmental Noise in accordance with policy D6 of the 2017 Placemaking Plan.

### **5 Implementation of Wildlife Scheme (Bespoke Trigger)**

The development hereby approved shall be implemented only in accordance with the ecological mitigation and enhancement measures as detailed within Section 5 of the Ecological Assessment (Ethos March 2021) which must be fully adhered to.

Within six months of completion of the development hereby approved, a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the recommendations of the report shall be submitted to and approved in writing by the Local Planning Authority. This shall include confirmation that precautionary measures for nesting birds have been followed and that bird boxes and native planting have been implemented.

Reason: To demonstrate the completed implementation of the ecologist's recommendations to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policy NE3 of the Bath and North East Somerset Local Plan

### **6 Arboricultural Method Statement (compliance)**

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (Barton Hyett Associates Ltd 18th March 2021). A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion.

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

### **7 Plans List (Compliance)**

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

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

### **PLANS LIST:**

1 This decision relates to drawings P19-1251\_04D and P19-1252\_05A dated as received 23rd March 2021 and P19-1252\_01 E and P19-1252\_02 D dated as received 18th June 2021.

### **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](http://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.

**Item No:** 09  
**Application No:** 20/03392/FUL  
**Site Location:** Barn North Of Village Hall Langridge Lane Langridge Bath Bath And North East Somerset



**Ward:** Bathavon North                      **Parish:** Charlcombe                      **LB Grade:** N/A  
**Ward Members:** Councillor Kevin Guy                      Councillor Sarah Warren  
**Application Type:** Full Application  
**Proposal:** Convert a redundant farm building into an agriculturally tied dwelling to house a farm worker.  
**Constraints:** Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, All Public Rights of Way Records, SSSI - Impact Risk Zones,  
**Applicant:** Mr Tom Bravin  
**Expiry Date:** 3rd March 2021  
**Case Officer:** Sam Grant  
To view the case click on the link [here](#).

**REPORT**

Planning permission is sought for the proposed conversion and change of use of an agricultural building to create an agricultural workers dwelling at Chapel Farm, Lansdown.

Chapple Farm is centred around a building complex in Lansdown, to the north west of Bath. The application site comprises of a steel portal framed farm building with metal clad wall, concrete floor and with associated land and access track to Langridge Lane. The site is located around 600 metres away from the main Chapple Farm complex.

Planning History:

No relevant planning history

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation responses and 3rd Party Representations

Highways:

No objection subject to condition

Ecology:

No objection subject to conditions

Drainage and Flooding:

No objection subject to conditions

Landscape and historic environment:

4th November 2020 - Object - The proposed change of use of the existing building would prejudice rather than enhance the visual amenity of the Green Belt by reason of its siting, design and the materials proposed for its construction. The proposed development would do nothing to conserve or enhance local landscape character, landscape features, local distinctiveness or important views. The proposed development would have an adverse landscape impact that would not be adequately mitigated. The proposed development would have an adverse impact on the authenticity and integrity of the Outstanding Universal Value of the World Heritage Site.

I therefore have a landscape and visual objection to the proposed development.

16th June 2021 - Object - The proposed conversion would have an adverse effect on the visual amenity of the Green Belt by virtue of its siting design and materials. The proposed conversion would have an adverse effect on the landscape character and visual amenity of the Cotswolds AONB and on the setting of the World Heritage Site. The form, bulk and general design of the proposed conversion would not be in keeping with the surroundings, do not enhance visual amenity, and therefore fail to meet the requirements of Policy RE6 for the re-use of agricultural buildings. The proposed conversion would have an adverse effect on the recreational and amenity value of public footpath BA5/23. The proposed mitigation measures would be ineffective and inappropriate.

Cotswolds National Landscape (AONB Board):

Object - it is important that the provision of such accommodation is delivered in a way that is compatible with - and positively contributes to - the purpose of AONB designation. In this instance, for the reasons outlined below, we do not consider this to be the case. In addition, we consider that there may be scope for identifying more suitable, alternative locations for the farm workers dwelling.

On this basis, we object to the proposed development and recommend that planning permission should be refused.

Public Rights of Way:  
No objection subject to conditions

Charlcombe Parish Council:

Charlcombe Parish Council is pleased to support this application, which will allow much needed accommodation for an agricultural worker to maintain the management and development of beef cattle farming at this successful and well respected farm.

Cllr Kevin Guy:

Support - As the Ward Cllr for Bathavon North I would like to offer my full support for this application. This conversion will allow the farm to provide a safe and appropriate agricultural dwelling to support a farm worker and their family. The location is highly appropriate and the application meets rural planning considerations. It is an excellent use of an existing barn and has little impact on the surrounding area. This application will create a sustainable dwelling which is fully inline with the councils declared environmental and ecological Emergency decelerations.

Accordingly I fully support the application. If officers are minded to refuse then I would formally request that this goes to planning committee for consideration by councillors.

Summary of 3rd Party Representations:

6 comments in support of the application:

- Dwelling would allow farm to attract and retain a full time employee
- Upgrading a delapidated barn
- Enabling sustainable farming
- Investment would be an improvement
- Local agriculture is essential in maintaining the landscape

## **POLICIES/LEGISLATION**

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

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

Core Strategy:

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

CP2: Sustainable Construction  
CP3: Renewable Energy  
CP6: Environmental Quality  
CP8: Green Belt  
DW1: District Wide Spatial Strategy  
SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles  
D2: Local character and distinctiveness  
D.3: Urban fabric  
D.5: Building design  
D.6: Amenity  
GB1: Visual amenities of the Green Belt  
NE2: Conserving and Enhancing the landscape and landscape character  
NE3: Sites, species and habitats  
NE5: Ecological networks  
NE6: Trees and woodland conservation  
RE1: Employment uses in the countryside  
RE2: Agricultural development  
RE4: Essential dwellings for rural workers  
RE5: Agricultural land  
ST7: Transport requirements for managing development  
SCR1: On-site renewable energy requirement  
SCR5: Water efficiency  
SU1: Sustainable drainage policy  
LCR9: Increasing the provision of local food growing

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**

This application is being considered by Planning Committee because the recommendation to refuse the application is contrary to comments received from Cllr Guy and Charlcombe Parish Council who support the application.

Principle of development and impact on the Green Belt.

The application site does not fall within a defined Housing Development Boundary and is located within the Green Belt.

Functional need

Placemaking Plan policy RE4 states that new dwellings outside Housing Development Boundaries in the open countryside are not permitted, unless there is an essential need for a rural worker to live at or on a agricultural business. Paragraph 145 of the Revised National Planning Policy Framework states that the construction of a building within the Green Belt is considered to be inappropriate development. Development is only allowed within the Green Belt under very special circumstances. In this case the applicant must demonstrate that there is an essential need for a worker to live on site to support the business operation to justify development within the Greenbelt.

Policy RE4 of the Placemaking Plan which sets out the Council's policy for essential dwellings for rural workers and states that:

1. New dwellings will not be permitted outside a Housing Development Boundary in the open countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside and where it can be demonstrated:

- i) there is a clear functional need for the worker to live on the holding;
- ii) the business is financially viable;
- iii) the need for the accommodation is for a fulltime worker;
- iv) the functional need could not be fulfilled by another existing dwelling in the holding or other existing accommodation in the area or through the re-use of an existing building in the holding;
- v) such dwellings are sited within a hamlet or existing group of buildings and are restricted in size relative to the functional requirements of the business; and
- vi) occupancy will be restricted to rural workers.

The Framework itself contains no guidance on how to determine essential need for a rural worker to live at or near a site. However, although no longer government policy, Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7), sets out a useful, tried and tested methodology for assessing whether there is an essential need for a rural worker's dwelling on a holding. This approach has been adopted by Inspectors

in a number of recent appeals and is therefore considered reasonable. Furthermore, criteria for determining essential need are set out in policy RE4 which reflects the same criteria laid down in Annex A of PPS7.

This submission seeks planning permission for the conversion and change of use of agricultural barn to create one agricultural worker's dwelling.

Assessing the proposal against the requirements of the policy following conclusions can be reached:

The most requested reason for a functional need for a rural working to be permanently based on site is so that there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the majority of the year, for instant animal births.

The majority of husbandry duties involving animals would be routine such as handling , sorting, feeding, checking and treating etc, which in any case would be carried out during the working day with checks at the start and end of the day.

The business presently is a livestock farm, currently rearing beef cattle with a 300 head herd of which 140 are breeding Cows.

The beef farming system currently comprises approximately 300 head of beef cattle which varies throughout the year depending on cattle sales and calving. Given the nature and scale of this aspect of the business the Applicants have identified that a responsible full-time worker living on-site in close proximity to the livestock is required.

The overall aim of the Applicants is for Chapel Farm to become as self-sufficient and sustainable as possible with little to no buying in of animals (except breeding bulls), producing all its own feed and bedding and fertilising the land with the livestock manure produced. The farm system is moving towards keeping cattle to a finished stage which will mean more cattle being kept on the farm for longer. This will eventually result in cattle being born and raised completely on the farm producing a more sustainable, self-sufficient system and decreasing the carbon footprint. In the applicants view, it is imperative that the farm secures a dedicated full-time employee on site in suitable family accommodation in order to continue to sustain and grow the business and achieve these future aims and objectives.

The Council's assessor has identified that there is a functional need for a full time worker to be on site. Suckler Cows tend to be hardy, with cows usually calving unaided and most frequently in the morning. However, there will be need for extra vigilance, and observation out of normal working hours during this period, and so the cows are usually located where they can easily be monitored eg in a convenient paddock ideally close to the buildings where cow and calf can be brought in.

When suckler cows are close to calving, there will be need for frequent observation, with some of this required out of normal working hours, especially if a check last thing indicates a calving is considered likely to occur that night. There will also be after birth care for calves in some cases. New born calves must get sufficient colostrum and be suckled within the first 6 hours from birth, which again may well require action out of normal working hours.

The young Belgian Blue cross calves are purchased through the year so as to spread the rearing. These will require regular inspection and potential treatment of health issues synonymous with young calves, such as pneumonia and calf scour. Once they reach 12 weeks they will be weaned and hardier.

Security and rural crime is always an issue for farms and is a factor when considering functional need. This is not an isolated farm, however there are public rights of way through the farm which is an important consideration. Nevertheless, there are always steps that can be taken to make a yard, buildings and equipment more secure. It is one of the reasons that security can be no more than a contributing factor with every situation judged individually.

With c140 cows calving over 8 months of the year and the rearing of young calves over a similar period, there is considered to be a functional requirement for an experienced stock person to be based on site.

Is the business financially viable?

Businesses are required to be financially viable and to operate on a profitable basis in order to ensure that the business continues to operate to justify an essential need for a residential unit at the site.

A commonly utilise viability benchmark is a requirement to meet the cost of the required worker based on the minimum agricultural wage ideally a surplus to enable re-investment.

The applicant has provided accounts from 2016, 2017, 2018, 2019 and draft accounts for year end 2020. These accounts have been assessed by the Council's agricultural assessor and taking all matters and evidence into account, it is the assessor's opinion that Chapel Farm is a viable business and will likely remain so into the foreseeable future.

Is there a need for the accommodation for a fulltime worker?

The assessment of the business proposed by the Council's assessor identifies that the full implementation of the business plan as set out by the application would require an full time agricultural worker.

Could the functional need be fulfilled by another existing dwelling in the holding or other existing accommodation in the area or through the re-use of an existing building or holding?

In this case, the farmhouse is outside the control of the applicant, as is the farm cottage which is believed to be occupied by family members. Therefore, little or no weight can be attributed to the existence of the farmhouse or cottage for the assessment of essential need despite the family connection.

The applicant's house is considered too distant (being located 1 mile away) to provide the requirements to be readily available out of working hours and a property website search undertaken immediately prior to the compilation of this report finds no properties for sale or rent that would satisfy the functional requirement.

Is the dwelling sited within a hamlet or existing group of buildings are restricted in size relative to the functional requirements of the business?

The application site and existing barn are not located within a hamlet or an existing group of buildings, the bar is around 600 metres away. Due to the location of the site it is not possible for the dwelling to be located within an existing village or hamlet. The size is however considered to be relative to the proposed function.

If the principle of development was found to be acceptable the occupancy of the building could be restricted to a rural worker.

If the application were being recommended for approval, then a condition would be applied to ensure the future occupants were employed at Chapel Farm.

The proposal is considered to be in accordance with policy RE4 of the Placemaking Plan.

Paragraph 146 of the NPPF states various forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes (among other exceptions not relevant to this proposal) the reuse of buildings provided that the buildings are of permanent and substantial construction.

This stipulation ties with the requirements outlined in Policy RE6 of the B&NES Placemaking Plan concerning the reuse of existing rural buildings. The criteria of Policy RE6 are below:

Criterion 1: Its form, bulk and general design is in keeping with its surroundings and it respects the style and materials of the existing building;

Criterion 1 is not satisfied due to the form, bulk and design are not in keeping with the surroundings. The requirement to respect the style and materials of an existing building is necessary and logical where the existing building is an asset in the landscape, but where the existing building is a detractor in the landscape and is not in keeping with its surroundings, adopting the same design and materials for a conversion would not result in the positive impact on landscape character, which is one of the key objectives of the policy.

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

It is clear that the building has been in existence for a significant period of time and is unlikely to be considered temporary. The submitted Structural Survey report confirms this to be the case.

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

Criterion 3 is not satisfied due to the proposal not enhancing visual amenity, as elaborated later in this report. With regards to ecological function, the council's Ecologist has provided their comments: "The Bat Inspection Report by Nash Ecology dated July 2020 is welcomed. The site comprises a modern agricultural barn, small area of improved pasture

and bare ground. There is a dry stone wall and defunct hedgerow nearby but no well-connected valuable linear habitat corridors of note." "There is no credible risk of impacts on horseshoe bat populations associated with the Bath and Bradford-on-Avon Bats Special Area of Conservation due to negligible loss of pasture and no impacts on existing dark vegetated corridors of value to the species.

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

The proposal will not lead to a dispersal of activity. The application is to facilitate a full-time agricultural worker to live close to their place of employment.

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

The benefits of re-using this farm building by creating one agricultural workers dwelling are limited and do not outweigh the harm arising from its isolated location such as unsustainable transport patterns and reliance on the private car, however special allowances are made in national and local planning policies to enable the development of farm worker's dwellings in isolated countryside locations.

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

The building is no longer suitable for its original use due to its small size and location. The development will not therefore generate a need for its replacement elsewhere.

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

This criterion is not complied with. It ties Policy RE6 with the Green Belt conversion exception outlined in paragraph 146 of the NPPF. While the alterations to the building itself are unlikely to impact openness, the alterations to the yard to convert to residential curtilage could lead to a proliferation of domestic paraphernalia which will impact upon the existing rural character of the area and the openness of the Green Belt

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

No designated or non-designated heritage assets will be impacted by the proposals.

Green Belt and Landscape

The application site is situated within the Bristol and Bath Green Belt and as such only certain types of development can be deemed to be "appropriate". One such type of

development is the re-use of buildings, providing they are of permanent and substantial construction. The conversion of the existing barn is considered to fall within this category.

The council's Landscape Officer and the Cotswolds National Landscape AONB Board have been consulted on the scheme including the revisions and landscaping proposals submitted by the applicant, all have objected to the proposal.

Paragraph 172 of the NPPF makes clear that great weight should be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty. BANES Placemaking Plan Policy NE2 and NE2A infer that development that will not conserve and/or enhance local landscape character, features, distinctiveness and views and that does not avoid or adequately mitigate any adverse landscape impact on landscape will not be permitted.

The existing barn is situated within the Cotswolds AONB, within the setting of the Bath City World Heritage Site and within the Green Belt. This is therefore a location of high environmental sensitivity.

The character of the land in the immediate vicinity is open and expansive, and the barn is visually highly prominent in the landscape on the Lansdown Plateau.

The land in the immediate vicinity is very open, and the barn is prominent in views from the main Lansdown Road to the west and from Langridge Lane to the south. It is also prominent in views from a public footpath that runs directly alongside the west side of the barn.

The agent's letter of 2nd of February states there is no national or local policy requirements to enhance the visual amenity of the Green Belt however, NPPF paragraph 127 applies to all development including that on Green Belt land and states that planning decisions must ensure that developments are 'visually attractive' and that they are 'sympathetic to local character' and their 'landscape setting'. NPPF paragraph 141 urges local authorities to retain and enhance landscape and visual amenity within Green Belts. Local plan policy GB1 states that development within the Green Belt should seek to enhance visual amenity, through siting, design and choice of materials.

The applicant has put forward proposed mitigation measures that included hedging and landscaping in order to try and address the Landscaping concerns. These proposals have been assessed by the Councils Landscape officer, they consider the proposed mitigation measures commenting "The proposed mitigation measures as shown on Dwg No. PO7 would not be effective in reducing the unacceptable impacts. They would have no effect on views from the public footpath as it passes immediately beside the building, and limited effect on longer distance views. Furthermore, the character of the local landscape is open and expansive, so the principal determinant of what is acceptable will be the extent to which the building works are or are not in sympathy with the prevailing landscape character, rather than by seeking to 'hide' the building with new planting."

There is concern with the level of lighting required with the proposal, for which there is limited detail. Lighting could significantly impact this area of the AONB which given the open nature of the site is relatively free from light spill.

It is also considered that the development proposals would prejudice the visual amenities of the Green Belt by reason of their siting, design and the materials used in their construction and as such they would be contrary to the requirements of policy GB1.

Due to the scale, siting, design and potential lighting impacts the proposal is considered to result in harm to local landscape character and the landscape setting of the Cotswolds Area of Outstanding Natural Beauty and the World Heritage Site, and visual amenities of the Green Belt contrary to policies B4 and CP8 of the Core Strategy, NE2, NE2A, NE6 and GB1 of the Placemaking Plan, and the NPPF.

### Siting and Design

The existing character of the area is distinctly rural, open and free from development save for the barn that is subject to this application. The presence of a dwelling at this location is considered to erode the rural nature of the area to the detriment of the existing character. Given the isolated and rural location of the site, the increase in the intensity of use of the land from the dwelling will likely lead to a proliferation of domestic paraphernalia which will impact upon the existing rural character of the area further.

### Highways

The council's Highways Officer has raised no objection to the proposal subject to a number of conditions regarding a Bound/Compacted Vehicle Access, Parking, bicycle storage and Agricultural Occupancy.

### Ecology

The site is not in immediate proximity to any designated sites for nature conservation. Although the Langridge-Woolley Complex Site of Nature Conservation Interest (SNCI) lies to the south of the existing access track, the proposals are not of a scale which would impact on the SNCI. As the SNCI is designated due to semi-natural broadleaved woodland, scrub and species-rich neutral and calcareous grassland, opportunities should be sought within the site to provide supplementary habitat of ecological value where possible. The proposals do not meet Natural England's SSSI Impact Risk Zone criteria.

The ecological survey is welcomed and is sufficient to inform the application. Conditions should be attached to secure biodiversity net gain, including a compliance report, and a sensitive external lighting scheme. The current proposal appears not to have any likely ecological impacts.

### Residential Amenity

Due to the isolated location of the proposed agricultural workers dwelling, the proposal will not impact upon residential amenity.

### Conclusion

Due to the scale, siting, design and potential lighting impacts the proposal is considered to result in harm to local landscape character and the landscape setting of the Cotswolds Area of Outstanding Natural Beauty and the World Heritage Site, and visual amenities of

the Green Belt contrary to policies B4 and CP8 of the Core Strategy, NE2, NE2A, NE6 and GB1 of the Placemaking Plan, and the NPPF.

Although the application broadly complies to policy RE4 of the Placemaking plan, it is considered that the proposal is contrary to the relevant planning policies as outlined above and the proposal is recommended for refusal.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 Due to the scale, siting, design and potential lighting impacts the proposal is considered to result in harm to local landscape character and the landscape setting of the Cotswolds Area of Outstanding Natural Beauty and the World Heritage Site, and visual amenities of the Green Belt contrary to policies B4 and CP8 of the Core Strategy, NE2, NE2A, NE6 and GB1 of the Placemaking Plan, and the NPPF

## **PLANS LIST:**

1 This Decision relates to the following plans:

Drawing	19 Sep 2020	4	PROPOSED SITE PLAN
Drawing	19 Sep 2020	5	PROPOSED PLANS AND ELEVATIONS
Drawing	20 May 2021	P06	PROPOSED LANDSCAPE ENHANCEMENT PLAN
Drawing	20 May 2021	P07	PROPOSED SITE LANDSCAPE ENHANCEMENT PLAN

2 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.

## **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. 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](http://www.bathnes.gov.uk/cil)

**Item No:** 10  
**Application No:** 21/02424/FUL  
**Site Location:** Orchard Rise Sham Castle Lane 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:** Erection of single storey extension following demolition of garage.  
**Constraints:** Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Agricultural Land Classification, 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, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,  
**Applicant:** Mr and Mrs Paul and Margaret Crossley  
**Expiry Date:** 29th July 2021  
**Case Officer:** Rebecca Robinson  
To view the case click on the link [here](#).

## REPORT

Reason for Referring to Committee:

The applicant is a Councillor and in line with the adopted Scheme of Delegation, this application must be referred to Planning Committee.

Site description and proposal

Orchard Rise is a semi-detached dwelling located on Sham Castle Lane, in the ward of Bathwick. The property falls within the boundary of the Bath Conservation Area and World Heritage Site.

The application seeks planning permission for the erection of single storey extension following demolition of the garage.

Relevant Planning History:

None.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses:

The Canal and Rivers Trust - No comment.

Highways - Dwellings that benefit from 4+ bedrooms, require the provision of 3-off street car parking spaces to accord with the current adopted parking standards. As the existing garage is due to be demolished, in order to build the proposed side extension, the Applicant will be required to submit revised plans which demonstrate they are able to provide off-street parking for three vehicles, in order to be policy complaint under the C3 Residential Parking Standards.

Representations Received:

None.

## **POLICIES/LEGISLATION**

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

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

Core Strategy:

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

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

Placemaking Plan:

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

D1: General urban design principles  
D2: Local character and distinctiveness  
D3: Urban fabric  
D5: Building design  
D6: Amenity  
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.

Conservation Areas:

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

## LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the

policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

### **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.

Under this scheme, the existing west-elevation garage is to be replaced by a single storey extension. At a proposed depth of approximately 4.2 metres, the replacement is approximately 1.4 metres wider than the existing garage and reaches the greater height of approximately 4.6 metres. However, the overall scale remains modest, and the proposed eaves height of approximately 2.3 metres maintains a subservient appearance to the host dwelling.

Whilst the existing garage hosts a flat roof with a north-facing parapet wall, the proposal will utilise a hipped roof in keeping with the character of the main house. This design is considered to reflect and complement the varying roof levels of the existing west wing and side dormer and is therefore deemed sensitive to local context.

In keeping with the existing dwelling, Bath stone ashlar blocks will be utilised for all external walling, whilst matching clay tiles will be used on the roof. As these materials do not differ from those already in use on the property, the character of the dwelling and wider area is considered to be preserved.

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 paragraph 17 and part 7 of the NPPF.

Consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

### **CONSERVATION AREA**

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

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

As sited on a hill, Orchard Rise is elevated slightly above the adjacent property at 'Linden'. Whilst this may have some overshadowing impact, it is considered that this is appropriately limited by the north-facing orientation of the properties and the approximate 2 metre distance retained between the development and the property boundary.

In addition to a roof light proposed for the southern roof slope, new windows are intended for the north and west elevations of the extension. The west facing windows are angled towards the neighbouring property, but these are small in size and the high-level bathroom window is to be obscurely glazed. Overall, the risk of overlooking is not considered to be significantly increased by this proposal.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

## HIGHWAYS, SAFETY AND PARKING

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

Highways officers have noted that for a property of more than four bedrooms, a minimum number of three parking spaces measuring at least 2.4m x 4.8m would be required. Although the existing garage is to be removed, the provided plans demonstrate that the driveway measures approximately 17 metres, enabling three vehicles to park in tandem.

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

## CONCLUSION

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

## RECOMMENDATION

PERMIT

## CONDITIONS

### 1 Standard Time Limit (Compliance)

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

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

### 2 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 Materials (Compliance)

All external walling and roofing materials to be used shall match those of the existing building.

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.

## PLANS LIST:

1 This decision relates to the following plans:

Drawing - 20 May 2021 - EXISTING ELEVATIONS  
Drawing - 20 May 2021 - EXISTING FLOOR PLANS  
Drawing - 20 May 2021 - SURVEY TOPOGRAPHICAL  
Drawing - 20 May 2021 - P01 - PROPOSED GROUND FLOOR PLAN  
Drawing - 20 May 2021 - P02 - PROPOSED ELEVATIONS  
Drawing - 20 May 2021 - P04 - PROPOSED ROOF PLAN  
OS Extract - 20 May 2021 - SITE AND LOCATION PLAN

### 2 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at [www.planningportal.co.uk](http://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](http://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.

**Item No:** 11  
**Application No:** 21/02198/FUL  
**Site Location:** Liberal Democrats 31 James Street West City Centre Bath Bath And North East Somerset



**Ward:** Kingsmead                      **Parish:** N/A                      **LB Grade:** II  
**Ward Members:** Councillor Sue Craig                      Councillor Andrew Furse  
**Application Type:** Full Application  
**Proposal:** Remodelling of the front garden to include the installation of a new lifting platform. (Resubmission)  
**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,  
**Applicant:** The Trustees Bath And North East Somerset Liberal Democrats  
**Expiry Date:** 30th July 2021  
**Case Officer:** Helen Ellison  
To view the case click on the link [here](#).

## REPORT

### SITE DESCRIPTION

31 James Street West is a Grade II listed building located within Bath conservation area and the City of Bath World Heritage site. Opposite the site is Grade II Green Park Railway Station. No. 31 is a mid-terraced Victorian property currently in office use that dates from around 1850 (list description); there is sufficient evidence to suggest that the property may, in fact date from the 1880's. The main plan form is single depth and there are 2 No. two storey projecting wings to the rear; one with flat roof, one with monopitch. No. 31 is

built from Limestone ashlar and is two storeys in height with sash windows. The ground floor of the property is raised above surrounding ground levels at front and back, and is approached from the street via a flight of stone steps. The list description for the property refers to it being one of the more intact small early Victorian houses along the street, retaining an elegant front. Its southward prospect across gardens towards the River Avon (shown on Cotterell's map of 1852) would have been dramatically altered by the construction of Green Park Station by the Midland Railway in 1869. Though the property was included for group value it is noted that adjacent properties are not listed.

## PROPOSAL

Planning permission is sought for the remodelling of the front garden to include the installation of a new lifting platform. (Resubmission)

Listed building consent 21/02199/LBA is being dealt with concurrently and included on this Agenda.

Consent has already been granted for the same works under a number of previous applications:

19/04330/LBA and 19/04523/FUL

20/00098/FUL (Resubmission of 19/04523/FUL) and 20/00099/LBA (Resubmission of 19/04330/LBA)

20/01689/VAR and 20/01690/VAR

20/02389/FUL and 20/02390/LBA

The application is being reported to DMC because although the trustees are responsible for the proposed work, one of the trustees, Mark Roper, is also an elected Member. The works are also for the offices of a political party.

## PLANNING HISTORY

DC - 12/04066/TCA - NOOBJ - 16 November 2012 - Removal of 3no trees in rear garden and planting 1no replacement tree

DC - 18/03910/TCA - NOOBJ - 9 October 2018 - 1x Silver Birch (Betula Pendula) - remove

DC - 19/04330/LBA - CON - 20 December 2019 - External works to include external lift to front elevation, erection of rear extension and internal ground floor renovation works to increase accessibility.

DC - 19/04523/FUL - PERMIT - 20 December 2019 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility.

DC - 20/00098/FUL - PERMIT - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).

DC - 20/00099/LBA - CON - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA).

DC - 20/01689/VAR - CON - 2 July 2020 - Variation of conditions 6 (Archaeological watching brief) and 7 (Plans list) of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).

DC - 20/01690/VAR - PERMIT - 2 July 2020 - Variation of conditions 3 (construction management plan) and 7 (Plans List) of application 20/00098/FUL (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL)).

DC - 20/02389/FUL - PERMIT - 28 August 2020 - Remodelling of the front garden to include the installation of a new lifting platform.

DC - 20/02390/LBA - CON - 28 August 2020 - External alterations for the remodelling of the front garden to include the installation of a new lifting platform

DC - 21/01746/CONDLB - WD - 4 June 2021 - Discharge of condition 4 (Samples) of application 20/02390/LBA (External alterations for the remodelling of the front garden to include the installation of a new lifting platform)

DC - 21/01558/LBA - PCO - - External alterations for the replacement of the front door and fanlight above with a matching design, plus the installation of secondary glazing within the ground-floor front elevation windows.

DC - 21/02198/FUL - PCO - - Remodelling of the front garden to include the installation of a new lifting platform. (Resubmission)

DC - 21/02199/LBA - PCO - - External alterations for the remodelling of the front garden to include the installation of a new lifting platform.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **SUMMARY OF PUBLICITY/CONSULTATIONS/REPRESENTATIONS**

#### **PUBLICITY**

Site notice displayed and photographic evidence received.

#### **CONSULTATIONS**

Highways DC: No objection subject to CMP

Highways DC reconsultation: No objection subject to condition

#### **REPRESENTATIONS**

None

## **POLICIES/LEGISLATION**

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

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:

CP1 Retrofitting existing buildings  
CP2 Sustainable construction  
CP6 Environmental quality  
B4 The World Heritage Site

Placemaking Plan:

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

D2 Local Character and Distinctiveness  
D5 Building Design  
D6 Amenity  
NE2 Conserving and Enhancing the Landscape and Landscape Character  
HE1 Historic Environment  
ST1 Promoting sustainable travel  
ST7 Transport Requirements for Managing Development

Guidance:

Historic England Advice Note 2 Making Changes to Heritage Assets (2016)  
Historic England 'Easy Access to Historic Buildings' (2015)

BaNES Draft City Centre Character Appraisal Bath (2015)

National Policy:

The National Planning Policy Framework (February 2019) and National Planning Practice Guidance.

## 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**

### **CHARACTER & APPEARANCE**

The revised version of the remodelled front garden is considered acceptable and would maintain the character and appearance of the surrounding area. Compliance conditions to secure appropriate implementation of the scheme such as landscaping and colour/finish of the lift, railings, gates and handrail should be imposed.

Subject to conditions the proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D2, D5 and NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

### **RESIDENTIAL AMENITY**

The application site backs on to properties that front New King Street and sits between Nos. 30 and 32 James Street West. Broadly opposite the site is the former Green Park Railway Station, now in commercial use.

The works would be located at the front of the premises and are of a form and extent that is not expected to result in 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 therefore with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

### **HIGHWAYS**

Highways Development Control (HDC) notes that the applicant seeks permission for the remodelling of the front garden of number 31 James Street West to include the installation of a new lifting platform. HDC officers note that this is a resubmission of previous application reference 20/02389/FUL.

As with the previous application, HDC officers raise no highway objection to the proposed works in principle, however, HDC requested the submission of a Construction Management Plan (CMP) in support of the current application.

Further highway observations have been made following receipt of a 'Construction Management Plan' (CMP) from the applicant on 10th June 2021. Having reviewed the submitted CMP in conjunction with colleagues from the 'Street Works' team, HDC officers confirm that the plan is acceptable.

Therefore, no objection is raised on highway grounds, subject to a compliance condition to ensure that the development is undertaken in accordance with the CMP.

Taking account of the above the proposed development is expected to maintain highway safety standards and, subject to condition would accord with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

### **DESIGNATED HERITAGE ASSETS**

The application site is located within the City of Bath World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In addition, the site is within Bath conservation area and the proposal concerns a Grade II listed building. Accordingly there is a duty placed on the Council under Section 72(1) 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, and, a duty under Section 66(1) of the same Act, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority 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.

Approvals 20/02389/FUL and 20/02390/LBA were granted in August 2020 for the remodelling of the front garden at 31 James Street West and included a platform lift intended to improve access to the building.

The works have commenced on site and have got to a point where the planters are formed and the platform lift has been installed, but the works are not complete. During the construction works, undertaken so far, buried services were found to enter the building close to the entrance door, in a position that interferes with the approved position of the platform lift. This current application seeks approval for the platform lift in a revised position (and as installed) following discovery of the buried services. This means that the platform lift is now 300mm forward of its previously approved position. The consequences of moving the platform lift are that the existing planter wall opposite the platform lift entrance needs to move across, also by 300mm. In turn, the railing gates would be increased in width by 150mm each. This work would allow for the required 1500x1500mm lower landing to be provided and would avoid a pinch-point on the short distance between the pavement and the lower landing. Also proposed, with this application (and not included in previous versions of the scheme) is an external handrail to be attached to the (previously approved) railings to one side of the external front entrance steps. The changes proposed are fully detailed in the submitted drawings.

On balance, it is considered that the proposed revisions take account of the special interest and significance of the listed building and its setting.

The Council has a statutory requirement under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above and in this instance the works would preserve the special interest of the listed building and as such this proposal would meet this requirement.

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. Taking account of the above and in this instance the works would preserve this part of the Bath Conservation Area and as such this proposal will meet this requirement.

In summary it is considered that the works would not result in harm to the outstanding universal values of the wider World Heritage Site, would preserve the character and appearance of this part of the Conservation Area and have an acceptable impact on the listed building and its setting, as well as the settings of neighbouring listed buildings. Furthermore, it is considered that the proposal is consistent with the aims and requirements of the primary legislation and planning policy and guidance and would preserve the significance of the designated Heritage assets. Subject to conditions the proposal accords with policy CP6 and 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.

## **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. The proposed adaptations would contribute towards the ongoing use of the building and re-use of some existing materials represents a sustainable approach. The proposal accords therefore with policy CP6 of the adopted Core Strategy and policies HE1, CP1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

## **CONCLUSION**

As set out above it is concluded that the works would have an acceptable impact on the character and appearance of the area, the designated heritage assets, highways and neighbour amenity being of a form and extent that would be appropriate towards the site and surroundings. Approval subject to conditions is, therefore, recommended.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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

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

### **2 External lift/railings/gates/handrail colour/finish (Compliance)**

All elements of the platform lift, railings, gates and handrail shall be painted matt black and remain so for the lifetime of the development.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan and Policies B4 and CP6 of the Bath and North East Somerset Core Strategy.

### **3 Construction Management Plan (Compliance)**

The development shall be undertaken in accordance with the approved Construction Management Plan dated 10th June 2021.

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.

### **4 Hard and Soft Landscaping (Compliance)**

All Hard and soft landscape works shall be carried out in accordance with approved Drwg. No. 4142-017 F 'Proposed lift plan sections and elevations' dated 10.06.2021. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any 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 plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D2, D5 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **5 Railings (Compliance)**

The existing railings originally located to the rear of the premises shall be re-used as surround to the front garden in accordance with approved Drwg. No. 4142-017 F 'Proposed lift plan sections and elevations' dated 10.06.2021. The approved new gates and any shortfall in railings shall be made to match the relocated/re-used railings in size, design, detail, materials, colour and finish. All railings and gates shall be permanently retained as installed for the lifetime of the development.

Reason: To safeguard the character and appearance of the listed building and its setting 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 Plans List (Compliance)**

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

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

### **PLANS LIST:**

1 This decision relates to the following drawings and document;

Date: 06.05.2021 Drwg. No. 4142-001 A Drwg. title: Location plan

Date: 06.05.2021 Drwg. No. 4142-016 B Drwg. title: Front garden - prior to commencement of works

Date: 10.06.2021 Drwg. No. 4142-017 F Drwg. title: Proposed lift plan, sections and elevations

Date: 10.06.2021 Document title: Construction Management Plan

## 2 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at [www.planningportal.co.uk](http://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](http://www.bathnes.gov.uk/cil)

### **5 Responding to Climate Change (Informative):**

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

**Item No:** 12  
**Application No:** 21/02199/LBA  
**Site Location:** Liberal Democrats 31 James Street West City Centre Bath Bath And North East Somerset



**Ward:** Kingsmead                      **Parish:** N/A                      **LB Grade:** II  
**Ward Members:** Councillor Sue Craig                      Councillor Andrew Furse  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** External alterations for the remodelling of the front garden to include the installation of a new lifting platform.  
**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,  
**Applicant:** The Trustees Bath And North East Somerset Liberal Democrats  
**Expiry Date:** 30th July 2021  
**Case Officer:** Helen Ellison  
To view the case click on the link [here](#).

## REPORT

### SITE DESCRIPTION

31 James Street West is a Grade II listed building located within Bath conservation area and the City of Bath World Heritage site. Opposite the site is Grade II Green Park Railway Station. No. 31 is a mid-terraced Victorian property currently in office use that dates from around 1850 (list description); there is sufficient evidence to suggest that the property may, in fact date from the 1880's. The main plan form is single depth and there are 2 No. two storey projecting wings to the rear; one with flat roof, one with monopitch. No. 31 is

built from Limestone ashlar and is two storeys in height with sash windows. The ground floor of the property is raised above surrounding ground levels at front and back, and is approached from the street via a flight of stone steps. The list description for the property refers to it being one of the more intact small early Victorian houses along the street, retaining an elegant front. Its southward prospect across gardens towards the River Avon (shown on Cotterell's map of 1852) would have been dramatically altered by the construction of Green Park Station by the Midland Railway in 1869. Though the property was included for group value it is noted that adjacent properties are not listed.

## PROPOSAL

Listed building consent is sought for external alterations for the remodelling of the front garden to include the installation of a new lifting platform.

Planning application 21/02198/FUL is being dealt with concurrently and included on this Agenda.

Consent has already been granted for the same works under a number of previous applications:

19/04330/LBA and 19/04523/FUL  
20/00098/FUL (Resubmission of 19/04523/FUL) and 20/00099/LBA (Resubmission of 19/04330/LBA)  
20/01689/VAR and 20/01690/VAR  
20/02389/FUL and 20/02390/LBA

The application is being reported to DMC because although the trustees are responsible for the proposed work, one of the trustees, Mark Roper, is also an elected Member. The works are also for the offices of a political party.

## PLANNING HISTORY

DC - 12/04066/TCA - NOOBJ - 16 November 2012 - Removal of 3no trees in rear garden and planting 1no replacement tree

DC - 18/03910/TCA - NOOBJ - 9 October 2018 - 1x Silver Birch (Betula Pendula) - remove

DC - 19/04330/LBA - CON - 20 December 2019 - External works to include external lift to front elevation, erection of rear extension and internal ground floor renovation works to increase accessibility.

DC - 19/04523/FUL - PERMIT - 20 December 2019 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility.

DC - 20/00098/FUL - PERMIT - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).

DC - 20/00099/LBA - CON - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA).

DC - 20/01689/VAR - CON - 2 July 2020 - Variation of conditions 6 (Archaeological watching brief) and 7 (Plans list) of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).

DC - 20/01690/VAR - PERMIT - 2 July 2020 - Variation of conditions 3 (construction management plan) and 7 (Plans List) of application 20/00098/FUL (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL)).

DC - 20/02389/FUL - PERMIT - 28 August 2020 - Remodelling of the front garden to include the installation of a new lifting platform.

DC - 20/02390/LBA - CON - 28 August 2020 - External alterations for the remodelling of the front garden to include the installation of a new lifting platform

DC - 21/01746/CONDLB - WD - 4 June 2021 - Discharge of condition 4 (Samples) of application 20/02390/LBA (External alterations for the remodelling of the front garden to include the installation of a new lifting platform)

DC - 21/01558/LBA - PCO - - External alterations for the replacement of the front door and fanlight above with a matching design, plus the installation of secondary glazing within the ground-floor front elevation windows.

DC - 21/02198/FUL - PCO - - Remodelling of the front garden to include the installation of a new lifting platform. (Resubmission)

DC - 21/02199/LBA - PCO - - External alterations for the remodelling of the front garden to include the installation of a new lifting platform.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **SUMMARY OF PUBLICITY/CONSULTATIONS/REPRESENTATIONS**

#### **PUBLICITY**

Site notice displayed and photographic evidence received.

#### **CONSULTATIONS**

National Amenity Societies: No comments received

#### **REPRESENTATIONS**

None

## **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:

CP1 Retrofitting existing buildings

CP2 Sustainable construction

CP6 Environmental quality

B4 The World Heritage Site

Placemaking Plan:

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

HE1 Historic Environment

Guidance

Historic England Advice Note 2 Making Changes to Heritage Assets (2016)

Historic England 'Easy Access to Historic Buildings' (2015)

BaNES Draft City Centre Character Appraisal Bath (2015)

National Policy:

The National Planning Policy Framework (February 2019) and National Planning Practice Guidance.

## 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**

### **LISTED BUILDING ASSESSMENT**

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.

Approvals 20/02389/FUL and 20/02390/LBA were granted in August 2020 for the remodeling of the front garden at 31 James Street West and included a platform lift intended to improve access to the building.

The works have commenced on site and have got to a point where the planters are formed and the platform lift has been installed, but the works are not complete. During the construction works, undertaken so far, buried services were found to enter the building close to the entrance door, in a position that interferes with the approved position of the platform lift. This current application seeks approval for the platform lift in a revised position (and as installed) following discovery of the buried services. This means that the platform lift is now 300mm forward of its previously approved position. The consequences of moving the platform lift are that the existing planter wall opposite the platform lift entrance needs to move across, also by 300mm. In turn, the railing gates would be increased in width by 150mm each. This work would allow for the required 1500x1500mm lower landing to be provided and would avoid a pinch-point on the short distance between the pavement and the lower landing. Also proposed, with this application (and not included in previous versions of the scheme) is an external handrail to be attached to the (previously approved) railings to one side of the external front entrance steps. The changes proposed are fully detailed in the submitted drawings.

On balance, it is considered that the proposed revisions take account of the special interest and significance of the listed building and its setting.

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. Taking account of the above and in this instance the works would preserve the special interest of the listed building and as such this proposal would meet this requirement.

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. Taking account of the above and in this the works would preserve this part of the Bath Conservation Area and as such this proposal will meet this requirement.

In summary it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance and would constitute an acceptable alteration to the listed building that would preserve its significance as a designated heritage asset. Subject to conditions 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. The proposed adaptations would contribute towards the ongoing use of the building and re-use of some existing materials represents a sustainable approach. The proposal accords therefore with policy CP6 of the adopted Core Strategy and policies HE1, CP1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

## **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 External lift/railings/gate/handrail colour/finish (Compliance)**

All elements of the platform lift, railings, gate and handrail shall be painted matt black and remain so for the lifetime of the development.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the listed 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.

### **3 Hard and Soft Landscaping (Compliance)**

All Hard and soft landscape works shall be carried out in accordance with approved Drwg. No. 4142-017 F 'Proposed lift plan sections and elevations' dated 10.06.2021. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any 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 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 safeguard the character and appearance of the listed building and its setting 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.

#### **4 Railings (Compliance)**

The existing railings originally located to the rear of the premises shall be re-used as surround to the front garden in accordance with approved Drwg. No. 4142-017 F 'Proposed lift plan sections and elevations dated 10.06.2021. The approved new gates and any shortfall in railings shall be made to match the relocated/re-used railings in size, design, detail, materials, colour and finish. All railings and gates shall be permanently retained as installed for the lifetime of the development.

Reason: To safeguard the character and appearance of the listed building and its setting 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 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

1 This decision relates to the following drawings and documents;

Date: 06.05.2021 Drwg. No. 4142-001 A Drwg. title: Location plan

Date: 06.05.2021 Drwg. No. 4142-016 B Drwg. title: Front garden - prior to commencement of works

Date: 10.06.2021 Drwg. No. 4142-017 F Drwg. title: Proposed lift plan, sections and elevations

#### **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](http://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](http://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.