

Bath & North East Somerset Council

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| MEETING: | Planning Committee | AGENDA ITEM NUMBER | |
| MEETING DATE: | 22nd September 2021 | | |
| RESPONSIBLE OFFICER: | Simon de Beer – Head of Planning | | |
| TITLE: APPLICATIONS FOR PLANNING PERMISSION | | | |
| WARDS: ALL | | | |
| BACKGROUND PAPERS: | | | |
| AN OPEN PUBLIC ITEM | | | |

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

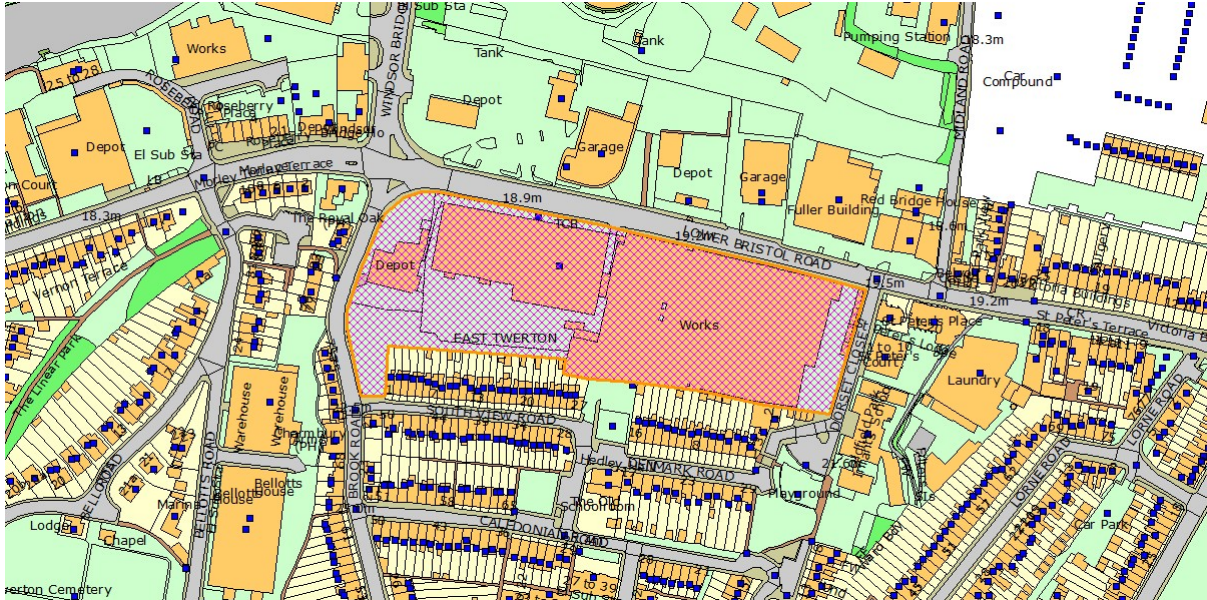
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| ITEM NO. | APPLICATION NO. & TARGET DATE: | APPLICANTS NAME/SITE ADDRESS and PROPOSAL | WARD: | OFFICER: | REC: |
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| 01 | 20/04760/EFUL 24 September 2021 | Aberdeen Standard Investments Former Bath Press Premises, Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset Development of the site to provide a residential-led mixed-use development, comprising 286 residential units (Use Class C3) and provision of commercial floor space at ground floor level (Use Class E), demolition of existing chimney, provision of three substations, together with associated infrastructure, landscaping, plant equipment, car and cycle parking, and access. | Westmoreland | Chris Griggs-Trevarthen | REFUSE |
| 02 | 21/01588/FUL 24 September 2021 | Freemantle Capital Partners (Hollow) Ltd Field Between City Farm And Cotswold View, The Hollow, Southdown, Bath, Bath And North East Somerset Erection of 9 dwellings with associated access, parking, drainage, landscaping and ecological mitigation. | Twerton | Chris Griggs-Trevarthen | PERMIT |
| 03 | 21/03281/FUL 24 September 2021 | Conrad Energy (Developments) II Limited Land South Of Unit 18, Midsomer Enterprise Park, Midsomer Norton, Bath And North East Somerset, Erection of storage containers, support infrastructure and security fence for Battery Energy Storage facility. | Midsomer Norton North | Hayden Foster | PERMIT |
| 04 | 21/02980/LBA 23 September 2021 | Topping & Company Booksellers Limited Friends Meeting House, York Street, City Centre, Bath, Bath And North East Somerset External alterations for the installation of 4no. hand painted timber signs fixed onto side and front elevations (Resubmission). | Kingsmead | Caroline Waldron | REFUSE |

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| 05 | 21/02981/AR 23 September 2021 | Topping & Company Booksellers Limited Friends Meeting House, York Street, City Centre, Bath, Bath And North East Somerset External alterations for the installation of 4no. hand painted timber signs fixed onto side and front elevations (Resubmission). | Kingsmead | Caroline Waldron | REFUSE |
| 06 | 21/02883/FUL 19 August 2021 | The Urban Reno Company Hunters Quest, Iford Close, Saltford, Bristol, Bath And North East Somerset Demolition of existing bungalow and erection of 2no semi detached houses/garages and 1no flat with associated parking, landscaping and widened access. | Saltford | Samantha Mason | REFUSE |

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 20/04760/EFUL
Site Location: Former Bath Press Premises Lower Bristol Road Westmoreland Bath
 Bath And North East Somerset



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: Development of the site to provide a residential-led mixed-use development, comprising 286 residential units (Use Class C3) and provision of commercial floor space at ground floor level (Use Class E), demolition of existing chimney, provision of three substations, together with associated infrastructure, landscaping, plant equipment, car and cycle parking, and access.

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, 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, SSSI - Impact Risk Zones,

Applicant: Aberdeen Standard Investments

Expiry Date: 24th September 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 Brook Road in Bath. It is roughly rectangular in shape and is approximately 2.21 hectares in size. The former industrial buildings which occupied the site have now been demolished and it currently comprises mounds of rubble alongside the retained Bath Press façade along the Lower Bristol Road frontage.

The site is allocated for residential development under policy SB9 (The Bath Press). It falls within the City of Bath World Heritage Site but is not within a conservation area and does not contain any statutory listed buildings, structures or scheduled monuments. The Bath Press façade is a Locally Important Building and the site is within the setting of grade II listed buildings at 30,31 and 32 Lower Bristol Road to the north east. It is identified as a site of potential concern in respect of contaminated land and falls within the Bath Air Quality Management Area ("AQMA"). The site is predominantly within Flood Zone 1 but a small part of the north of the site is within Flood Zone 2. It is also identified as a priority area for district heating.

The site benefits from an extant planning permission for the 'Demolition of existing buildings and redevelopment of the site to provide a residential-led mixed-use development comprising 244 dwellings (Use Class C3) and 1,485.2 square metres (GIA) flexible employment space (Use Class B1), basement car park, substation, associated landscaping and access' (LPA ref. 15/02162/EFUL). This permission has been implemented as demolition work has begun on site and a CIL payment was made upon commencement.

The proposed development represents a revised version of the above consented scheme in effect, with the principal changes being an increase in the number of homes, provision of Build To Rent ("BTR") housing product rather than Open Market Housing ("OMH"), omission of the underground car park, flexible commercial units and increased cycle parking provision.

The proposal therefore includes the following:

1. 256 BTR flats and 30 Town houses
 - a. 135 one-beds (47%)
 - b. 101 two-beds (36%)
 - c. 31 three-beds (11%)
 - d. 19 four beds (6%)
2. 950 sqm (NIA) of commercial floor space
3. 125 Car parking spaces
 - a. 0.38 per dwelling

4. 596 cycle parking spaces

PLANNING HISTORY

12/01999/EFUL - Refused - 17 January 2013 - Mixed-use redevelopment comprising 6,300sqm of retail (Class A1), 4,580sqm of creative work space (Class B1), 2,610sqm of offices (Class B1), 220sqm of community space (class D1/D2), 10 residential houses, basement car park, landscape and access (including realignment of Brook Road)

15/02162/EFUL - PERMIT - 13 September 2016 - Demolition of existing buildings and redevelopment of the site to provide a residential-led mixed-use development comprising 244 dwellings (Use Class C3) and 1,485.2 square metres (GIA) flexible employment space (Use Class B1), basement car park, substation, associated landscaping and access.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Given the scale and nature of the proposed development and having regard to its location within a World Heritage Site, the application has been submitted with an Environmental Impact Assessment.

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 transport and access, noise and vibration, air quality, daylight, sunlight and overshadowing, biodiversity, cultural heritage, surface water drainage and flood risk, ground conditions/contamination, climate change and greenhouse gases.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PARKS AND GREEN SPACES: No objection, subject to contribution

ENVIRONMENTAL PROTECTION: No objection, subject to conditions

ENVIRONMENTAL MONITORING: No objection

ECOLOGY: Scope for revision

The following information is requested:

1. Confirmation that demolition of the buildings has proceeded in accordance with previous commitments in relation to ecological law, particularly in relation to nesting birds.
2. Amendment to light fitting EL5 in the south-west corner is requested to maintain a continuous dark (<1-2 lux) corridor.

Otherwise, the amended landscape plans, ecological clarifications and commitment to habitat boxes are acceptable, subject to conditions.

HOUSING: Objection

This application triggers Policy CP9 thus requiring an affordable housing contribution at 30%. However, Housing acknowledge that the applicant has submitted a viability suggesting a zero (0%) affordable housing contribution.

HIGHWAYS: Objection

In summary, the Highways Officer remains concerned by the shortfall in the proposed number of off-street, car parking spaces and reiterate that, should the application be determined at this time, would raise an objection on highway ground given that the proposed off-street, car parking provision is contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan (2017).

ECONOMIC DEVELOPMENT: Objection

Economic development object to the under provision of office floorspace within the development and indicate that this is contrary to the development requirements of the allocation policy SB9 which requires a minimum of 1,500 sqm(GIA). They also indicate how this is contrary to the objectives of policy B1 of the Core Strategy to 'expand the knowledge intensive and creative employment sectors' and the Council's declaration of a Climate Emergency which supports the creation of liveable 15-minute neighbourhoods.

They consider that the provision of communal space within the BTR element is not an acceptable substitute for the required office floorspace.

They consider that no viable evidence has been provided by the applicant which justifies the lack of provision.

PLANNING POLICY: Objection

Policy B1 2b and 2c plans for the expansion of knowledge intensive and creative employment sectors by enabling the stock of office premises to increase from about 173,000sqm in 2011 to about 213,000sqm in 2029 and achieve the net additional increase to the stock of office premises of 40,000 sqm.

It is helpful to set out the monitoring information against this policy net increase. There has been a significant net loss in office floorspace in Bath and the AMR (March 2020) shows a net loss of 17,559 sqm (Table 1). Reviewing the site allocations through the Placemaking Plan and planning permissions granted to date, it is expected that office space will increase by 54,350 sqm. This includes 1,500sqm at the Bath Press Site) (Table 2).

This loss and new provision results in a projected net increase of 36,791 sqm. Notwithstanding the modern office floorspace which is in the pipeline and there will be a shortage meeting the net increase of 40,000 sqm within the Plan period. There is a need for a greater supply and range of different types of accommodation to suit different types

of operator/operations. Therefore, the reduced floor space proposed is considered contrary to Policy B1 and SB9.

CONSERVATION OFFICER: Scope for revision

The proposals are for amendments to the existing approval (ref:15/02162EFUL). For the most part, the amendments do not have implications for heritage and the setting of heritage assets. However, it is noted that the historic chimney associated with the former Bath Press industrial works is proposed for demolition.

The chimney was identified by the Council as possessing significance and a key element, along with the retained front classical façade, of the character and identity of the site and its former industrial use.

On this basis, its retention and repair were specifically and intentionally negotiated as part of the approved development that was granted by the Council. This view and position have not changed and therefore the demolition of the chimney should be omitted from the current application and remain as an incorporated historic structure within the proposed new development.

DRAINAGE AND FLOOD RISK: Scope for revision

The Drainage and Flood Risk team require confirmation from Wessex Water regarding acceptance of the proposed surface water discharge rates and points of connection.

ENVIRONMENT AGENCY: No objection, subject to conditions

AVON AND SOMERSET POLICE: No objections

HISTORIC ENGLAND: Comments

They note that emphasis was also given to the importance of the existing chimney on the site that provides a visual marker for the original Bath Press and therefore plays a wider role within the understanding and visual presence of Bath's industrial heritage. Officers should be mindful of any attempts to water down the gains made through the negotiations in. In particular, those relating to the roof-scape along Lower Bristol Road, and the demolition of the surviving chimney, which should be avoided unless robustly justified.

COUNCILLOR JUNE PLAYER: Objection

Councillor Player objects to the application of several grounds including:

The lack of affordable housing. It is noted that the previous scheme provided 16% affordable housing and Cllr. Player considers that all costs involved should be worked out before purchase to ensure that the site can meet its policy obligations. Lower affordable housing contributions on other sites does not justify this to be the case for this development.

There is a lack of on-site parking is highlighted with only 115 spaces against a requirement of 385 spaces. Parking Stress surveys for Westmoreland (March 2020) show that the ward is heavily affected by a lack of parking provision and there will be no available parking for new developments. The offer to contribute towards a Residents Parking Zone demonstrates that the developer has concerns about the few parking spaces provided.

This proposal is also contrary to Planning Policy D6 (Amenity) as the shortage of on-site parking will impact so negatively on the residential amenities of any would-be occupants and those of the existing residents both nearby and further afield as people trying to park will have a knock-on effect as they vie for the already short numbers of them.

Considering the number of occupants-to-be in the BTR units, the landscaping is considered to be far from appropriate as there is nowhere near enough open space for residents to go to, especially private space. Having roof gardens is always a worry due to safety in using them and their attractiveness to gulls especially for nesting purposes

Westmoreland Ward is known to already have a shortfall with its Allotment provision as well as its green open spaces and it cannot be accepted that funding is given to improve locations that are some distance away and even out of the Ward. Residents of the Ward want and need the benefits that these spaces offer on their doorsteps. There is just too much dense development going on especially along this section of the Lower Bristol Road which suffers with all the traffic that uses it as well.

The front of this site except for the landmark façade section should not be built right up to the edge of the pavement and should be stepped back to allow for appropriate number of trees and plantings to make it more attractive for pedestrians as well as residents in the units that face the Lower Bristol Road.

Councillor Player also has concerns about the demolition of the chimney of the former Bath Press describing it as a landmark.

BATH PRESERVATION TRUST: Objection

Bath Preservation Trust identify the history and significant of the retained chimney on the Bath Press façade. The chimney is dated to 1919 and therefore features as part of the earlier historic fabric of the building, distinct from the 1925-1929 façade extension to the south-west corner. Furthermore, the Heritage Statement highlights this as a "historically sensitive [element] of special architectural or historic interest" and an "integral and valuable [part] of the heritage asset and [is] extremely sensitive to change" along with other distinguishing features such as the dual porticoed access points. The chimney is noted as having a "landmark presence in the streetscape" due to its scale, form, and public visibility from along Lower Bristol Road

The Trust are concerned that the loss of the chimney has not be justified or appropriate balanced against the scale of any harm or loss.

They are also concerned to see that no affordable housing would be provided within the proposal and regret the loss of the pedestrian access to the south towards Oldfield Park Station.

In its current form, this application proposes unjustified and unbalanced harm to a non-designated heritage asset, unmitigated harm to local distinctiveness, and harm to the appearance and character of the indicative townscape setting of the conservation area, along the primary approach into the conservation area contrary to Section 16 of the NPPF and Policies B1, BD1, CP6, D1, D2, CP9, and HE1 of the Core Strategy and Placemaking Plan. They strongly recommend that the chimney is retained and integrated within the scheme as part of the façade.

THIRD PARTIES/NEIGHBOURS: There have been 52 OBJECTION comments from third parties. The main issues raised were:

Some of the comments received recognised that the site needs to be developed and that they welcomed its regeneration but took issue with the scheme as proposed.

Many considered the scheme to be overdeveloped and suggesting that the quantum of development was too much for the site. Others criticised the excessive height, density, scale and massing of the proposals. Several were concerned that it would impact upon the World Heritage Site.

Many also commented on the lack of on-site parking provision and highlighted parking issues in the surrounding residential streets where there is no Residents Parking Zone. It was considered that the lack of on-site parking would lead to overspill parking in surrounding streets to the detriment of highways safety and residential amenity. Several comments thought that the reliance on modal shift to cycling was unrealistic.

Several comments were concerned that the proposals would lead to an increase in traffic in an already busy area and that this, along with the new access onto Lower Bristol Road, would cause highways safety issues.

Neighbours to the south of the site, particularly along South View Road and Denmark Road, were concerned that the proposals would result in overlooking of their properties due to the proximity and size of buildings proposed. There was also concern that the proposed roof gardens would lead to further loss of privacy. Some of these comments also raised concerns about the proposals for the southern boundary wall suggesting that the plans were unclear and proposals to reduce its height would undermine their security and also affect their access.

Some comments were concerned about the mix of housing proposed. It was suggested that there was no need for BTR dwellings and that the abundance of BTR accommodation would impact upon the existing community through the introduction of a transient population.

Many comments criticised the lack of affordable housing provision within the scheme. There was concern that developers were making a profit at the expense of providing affordable housing.

There was a suggestion that there was no need for the proposed commercial units and that Bath was already full of empty shops and units.

Many were concerned about the loss of the Former Bath Press chimney which was described as being a local landmark and holding historical importance.

There were criticisms of the design. In particular, comments suggested that there was a lack of amenity space, green space and soft landscaping within the scheme. There was a suggestion that the proposals needed to use suitable materials.

There were concerns that the proposals would lead to additional noise and air pollution.

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

Several comments suggested that the proposals will tidy up what is currently a barren building site. The existing site is described as an eyesore. Others commented to say that the sooner it is developed the better. One comment suggested the proposals were beautiful.

It was suggested that the proposals will create jobs and provide new homes in Bath which are needed.

It was suggested that more affordable rented accommodation is needed in Bath.

The retention of the Bath Press façade was described as positive.

Amongst those offering general support for the proposals there were some concerns about insufficient parking, access onto Lower Bristol Road and the excessive provision of cycle parking.

A total of 7 GENERAL comments have been received. The main points raised were:

There was interest in the proposals to include an 'Art corner' which could include a memorial to Sir Isaac Pitman.

There is a lack of details and clarity as to the proposals for the south boundary wall and concern about the creation of a no mans land in between the proposals and existing residents.

Concern about the height of the buildings closest to South View Road and Denmark Road resulting in loss of light and privacy.

Concerns about inadequate levels of parking for the number of proposed homes. Suggested that the parking should be included in the rent rather than as an additional optional cost.

It is suggested that there needs to be permanent public access to the green spaces.

Concern about the access onto Lower Bristol Road near a major junction.

Query how the designs of the site will fit with nearby existing and proposed sites.

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)

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:

- SB9 Bath Press
- 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

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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

The main issues to consider are:

1. Environmental Statement
2. Principle of development
3. Housing mix
4. Design
5. Highways
6. Sustainable construction

7. Residential amenity
8. Flood Risk
9. Affordable Housing
10. Parks and open spaces
11. Ecology
12. Contaminated Land
13. Drainage
14. Archaeology
15. Public benefits
16. Other matters
17. Planning balance
18. Conclusion

1. 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.

2. PRINCIPLE OF DEVELOPMENT

The site is allocated under policy SB9 of the Placemaking Plan (PMP). The policy contains 11 Development Requirements and Design Principles which will need to be achieved. This will be considered within this overall assessment.

The first Development Requirement attached to Policy SB9 explains that the development should deliver a mixed-use development comprised of employment (minimum 1,500 sqm (GIA) of office floor space) and residential development (of at least 200 flats), potentially complemented by opportunities within the leisure sectors.

The development includes 256 flats and 30 town houses. Whilst this exceeds the 200 flats figure within the policy, this is not a cap and therefore the residential element of the development can be supported in principle. However, it must be considered as to whether this number can be accommodated on site whilst ensuring the overall scheme complies with the Development Plan.

The scheme proposes 1,455sqm (GEA) of commercial floor space located on the ground floor of Blocks B, C and D on the western side of the site, which, when fitted out, will result in approximately 950sqm (NIA) of usable floorspace. During the application process the applicant has confirmed their commitment to retain this commercial space to be designated as office space i.e. use class E(g). However, the 950sqm falls below the requirements of Policy SB9 which expects a minimum of 1500 sqm of GIA to be delivered.

The Planning Statement explains that in lieu of the 550sqm of office space not being provided, communal amenity space is proposed as per the specification of the Build to Rent (BTR) operator. Limited information has been provided as to how this space will be used, and whilst it is recognised that BTR developments place a greater emphasis on residents utilising communal amenity spaces, this is not considered to outweigh the harm identified through the under provision of the employment space available to the wider community.

To further justify the under provision, the submission includes a report prepared by Carter Jonas which looks at the supply and demand of office space within the city. Additional evidence from Savills has also been provided. The evidence from Carter Jonas concludes that there is a lack of demand in the outer areas such as this, and illustrates sites coming forward within the City Centre will absorb any demand. It further explains that the economic landscape relating to town centres and their uses has changed significantly since the Placemaking Plan was adopted which has led to the Government facilitating flexibility in commercial uses through expanding permitted development rights.

As noted above, the allocation policy is clear in its requirements. Policy B1 Bath Spatial Strategy plans for an overall net increase in jobs of 7,000, rising from 60,200 in 2011 to 67,200 in 2029, with significant gains in business services tempering losses in defence and manufacturing. It further plans for the expansion of knowledge intensive and creative employment sectors by enabling the stock of office premises to increase from about 173,000 sqm in 2011 to about 213,000 sqm in 2029

There has been a significant net loss in office floorspace in Bath and the AMR (March 2020) shows a net loss of 17,559 sqm. Reviewing the site allocations through the Placemaking Plan and planning permissions granted to date, it is expected that office space will increase by 54,350 sqm. This includes 1,500sqm at the Bath Press Site.

This loss and new provision results in a projected net increase of 36,791 sqm. Notwithstanding the modern office floorspace which is in the pipeline, there will be a shortage meeting the net increase of 40,000 sqm within the Plan period. There is a need for a greater supply and range of different types of accommodation to suit different types of operator/operations. The applicant's figures within the submission are noted, but look at the total floor space granted permission and including permission as Pinesgate which is no longer extant.

It should be noted that significant weight was given to the provision of the office use (then within the B1 Use Class) in the extant permission. At the time, the scheme resulted in the loss of lawful B2 use, and the B1 use partly offset this harm. For this reason, the S106 included obligations to, as far as possible, ensure that the B1 use was provided. This was through several measures but included the submission of an Employment and Marketing

Strategy with a requirement for the marketing of the B1 use for 24 months from the date of shell and core completion.

Based on the assessment above, the under provision of office space is not supported and is considered contrary to Policy B1 and SB9.

3. HOUSING MIX

Core Strategy Policy CP10 explains that new housing development 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. The development comprises 1,2 and 3 bedroom flats, and 3 and 4 bedroom houses. The development is primarily Build to Rent but also includes a smaller proportion of open market dwellings.

Some concern has been raised about the over concentration of BTR schemes 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.

Overall, the development is considered to put forward an acceptable housing mix and complies with policy CP10.

4. DESIGN

The site was cleared under the extant consent and currently contains mounds of rubble. The frontage of the former building remains and this facade is to be retained and incorporated into the scheme.

The submission explains that the design principles of the development remain largely the same as the consented scheme, with the built envelope and building heights fundamentally unchanged. However, officers are of the view that there are some significant changes to the scheme, some of which are considered to result in a development of inferior and unacceptable design quality.

Whilst retaining the front facade, the current scheme proposes the removal of the Bath stone boiler chimney. This is not supported as it is considered to be a key element of the non-designated heritage asset. It is noted that the original scheme arranged the buildings to be recessed around the chimney to frame this feature. It is important to note that point 2 of policy SB9 highlights the need to retain the 1920s facade and the historically important elements of the building in recognition of their value as a local asset. The chimney is considered to be a historically important element of this asset. The Twentieth Century Society have previously stated that the chimney is one of the most important features of the building providing important vertical interest to contrast with the long front elevation.

The applicant's own Heritage Statement recognises that the Bath stone boiler chimney is an important element of the façade as a feature of architectural and historic interest which provides evidence as to the former use of the site. The chimney, due to its scale and form has somewhat of a landmark presence in the streetscape. The Heritage Statement recognises that the loss of the chimney will result in harm to the significance of the non-designated heritage. However, it notes that the removal of the chimney will not entirely vitiate the significance of the structure given the remaining elements of the façade which are to be retained as part of the site's redevelopment as per the consented scheme.

Policy HE1 explains that applications affecting the significance of any heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation. To comply with this policy, any harm to the significance of a designated or non-designated heritage asset must be justified. In this case, it is not considered that the loss of the chimney has been justified.

Paragraph 203 of the NPPF advises

"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 affect directly or indirectly 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."

The overall harm to the non-designated heritage asset will be considered in the Planning Balance section of this report.

There have been minimal changes to the overall scale and massing of the buildings when compared to the extant scheme. The buildings which are set behind the frontage have increased in height by 180mm but this still allows them to sit comfortably behind the retained frontage, and the increase in height will have limited impact when the buildings are viewed from Lower Bristol Road or from wider views. The sawtooth roofs on block G which sits behind the facade have also been rationalised. Whilst this removes articulation from the roof which aided in breaking up the roofslope, they now align with the roof form of the neighbouring blocks. It is not considered this amendment will have an impact upon how the buildings are perceived from Lower Bristol Road, or have an undue impact from wider views.

The Bath Buildings Height Strategy states that building heights of four storeys with an additional set back storey within the roofscape can be acceptable within the Valley Floor, but this should be modified in close proximity to 2-3 storey residential areas or in response to heritage assets, residential amenity and to prevent intrusion in views. The scheme proposes four storey buildings located along the Lower Bristol Road frontage with a further four storey block fronting Brook Road. The three five storey blocks are set back from the Lower Bristol Road frontage so that they are positioned more within the central part of the site and the top floor is designed in the style of a mansard roof. Three storey units are situated close to the southern boundary of the site and fronting Dorset Close. The positioning and scale of these buildings is considered to comply with Council guidance and relate well to the scale of the surrounding buildings.

With regard to preventing intrusion in views across the site it must be acknowledged that for residents immediately adjoining the site, particularly to the south, the views they currently have will be interrupted. However, as one moves southwards and with the ground gradually rising the interruption of any view becomes less and from many viewpoints around the City the development will integrate into the townscape and will not be seen as overly dominant. From the north of the City Centre, any views of the site will have the large scale development of Bath Western Riverside within its foreground and it should also be noted that land immediately opposite the site on the north side of Lower Bristol Road is also likely to be developed. From higher ground to the south again there will not be harm to views across the site and from this direction the articulation of the proposed roofscape and the different levels of the proposed development within the application site help integrate the development within these views.

The roof form of Block P which accommodates the town houses facing Dorset Close have also been amended to pitched roofs with a central ridge. This continues a degree of articulation in the roofs and the general roof form is considered to be acceptable.

Block K has been amended from 4 town houses bookended by apartment blocks to solely apartments. The design of this block has been rationalised to facilitate this type of accommodation. The staggered elevation design and pitched roof has been replaced by a flush elevation and flat roof. The redesign of this part of the scheme has also resulted in the elevation which fronts the new street being the back of the buildings as opposed to the frontage/entrances to the townhouses. The front garden areas have also been removed with the buildings now set closer to the pavement edge.

Concern was raised that the changes to block K created a building with limited articulation, which provides limited active frontage to the street and lacking in overall interest and detail. The applicant has submitted revised plans which show amendments to block K to include the provision of front doors with individual access paths to the ground floor apartments, the addition of new rainwater downpipes and new glazed entrance doors highlighted with a concrete portal surround. The result of these changes is more successfully articulate the elevation and to give the appearance that better addresses the typology of terrace houses which are found nearby in Oldfield Park. The front doors introduce activity to the street and create a better separation of public and private space. The changes also help to visually break up the massing of the block, albeit not as successfully as the previous approved scheme of townhouses.

The facing materials will mainly comprise Bath Stone or buff brick. When compared to the extant scheme, there has been a significant increase in the use of brick primarily within the central and inwardly facing elevations. However, given the historic use of the site which contained brick industrial buildings, this is considered to be acceptable. Elevations which front Dorset Close and Brook Road utilise Bath Stone, which aids in integrating the development with the surrounding built form.

The proposed layout of the development allows for some an improvement to the 'permeability' of the site by creating pedestrian access and potential cycle routes which cross the site in an east-west direction. The previously consented proposal provided a north-south pedestrian link that would join the area between Denmark Road and South View Road to the south of the site with Lower Bristol Road to the north. This link is also indicated the concept diagram accompanying the allocation policy SB9. This link is not

proposed within the current application which instead proposes an internal road link along the southern boundary with the area previously proposed for the link covered by a substation and a cycle store. This represents a significant missed opportunity to integrate the scheme into the surrounding neighbourhoods and would be contrary to policy SB9(7) which requires the development to provide new streets and spaces through the site that improve pedestrian and cycling connections to Oldfield Park Railway Station, Moorland Road District Centre, and Victoria Park for neighbouring residential communities.

The removal of basement parking has resulted in the need for increased surface parking. Revised plans have been submitted during the application process to overcome concerns with the dominance of parking/access roads within the scheme. The opportunities for landscaping within the site are limited, but given the improvements gained during the application process, and the fact that this is an urban context, on balance this is considered to be acceptable.

5. HIGHWAYS

Parking

The consented scheme included a basement car park located under blocks G-M, with an access ramp from the southern boundary road off Brook Road. This is no longer provided within the proposed scheme, with all car parking provided at ground level. The scheme proposes the following car parking provision:

30 spaces allocated to the proposed 30 open market houses; and

80 spaces allocated to the proposed 259 build-to-rent flats at a ratio of 0.31 spaces per unit.

5 spaces allocated to the commercial space

The proposed development requires the provision of a minimum of 513 off-street, car parking spaces for the residential element of the scheme to accord with the requirements of the authority adopted parking standards in policy ST7. This comprises:

135 x one-bed @ 1 space per unit = 135 spaces;

101 x two-bed @ 2 spaces per unit = 202 spaces;

31 x three-bed @ 2 spaces per unit = 62 spaces;

19 x four-bed @ 3 spaces per unit = 57 spaces; and

Visitor parking @ 0.2 space per unit = 57 spaces.

The Transport Statement ("TS") includes a completed 'Accessibility Assessment' for the residential element of the scheme which scores 55 placing it in the high accessibility category, allowing officers to apply a discount of between 25% and 50% to the required number of off-street, car parking spaces. Applying the maximum permitted discount of 50% reduces the minimum number of residential spaces to 257, significantly more than the 125 to be provided.

Officers undertook a review of the score allocated to each criterion which reduced the overall score to 46, placing the site within the moderate accessibility category, permitting officers to apply a discount of between 10% and 25%. Applying the maximum permitted

discount reduces the minimum number of residential spaces to 385, again significantly more than the 125 proposed by the applicant.

Officers note that the proposed commercial floorspace requires the provision of a maximum of 5 off-street, car parking spaces. The TS explains that visitor parking has not been included in order to discourage the use of the private car as a means of accessing the site. Officers consider that it is highly likely that visitors to the site who do arrive by private car will seek parking opportunities in the surrounding residential streets, where existing on-street parking stock is limited and existing demand is known to be high.

The applicant puts significant weight on a possible future Resident Permit Zone ("RPZ"), as future occupiers will not be eligible for permits. However, the Traffic Management team have confirmed that presently there is no firm timescale with regards to whether a RRZ will be implemented, and there can be no certainty over its delivery. Officers therefore do not consider that a financial contribution to the RPZ is appropriate mitigation to overcome the significant shortfall in spaces.

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.

1. Provision of 596 secure cycle spaces for residential and commercial uses;
2. Provision of 2 car club spaces with free memberships for the first year of occupancy;
3. Appointment of a Travel Plan Co-ordinator to implement the approved Travel Plan;
4. Provision of a Travel Pack for new residents setting out nearby walking/cycling routes, public transport, and other related information;
5. Setting up of a new / encouraging membership of an existing Bicycle User Group for residents.
6. Encouragement of car-sharing amongst residents; and
7. Provision of electric vehicle charging points.
8. A commitment to improve walking/cycling infrastructure close to the site to enhance sustainable connectivity.

The TS also explains that BTR accommodation is expected to show a much lower car ownership than typical residential developments. However, whilst examples have been provided, there are not considered to be directly comparable or to justify the levels of parking put forward with current application.

Officers remain concerned 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. Given the current shortfall in the proposed number of off-street, car parking spaces, officers are concerned that the proposed development will result in an increase in on-street, car parking activities in the vicinity of the application site which will affect highway safety and/or residential amenity.

A recent decision by planning committee to resolve to permit the planning application at the Dick Lovett site immediately to the north of Bath Press is a relevant consideration. This scheme was permitted in spite of a shortfall in parking against the adopted standards.

However, each case must be considered on its own merits and it is noted that reasons given for resolving to grant permission relied upon the fact that the benefits of the scheme outweighed the identified conflict with the parking policy. This will be considered further in the planning balance section below.

Cycle Parking

The proposed development requires the provision of 296 secure, covered cycle stands, providing parking for 592 bicycles. The revised proposals identify 596 cycle parking spaces which meets the required standard.

Trips

The applicant forecasts that the proposed development would generate between 30 and 36 public transport trips during the am peak hour and between 34 and 40 during the pm peak hour; split between rail trips and bus trips as the proximity of the application site to Oldfield Park railway station is likely to lead to an uptake in rail travel. The applicant has demonstrated that, assuming all forecast public transport trips are by bus, an increase in passengers per bus of between 1.25 and 1.66 would result. This is unlikely to create an issue with regards to the operation of the local bus network. On this basis, the applicant is only required to re-provide the A36 Lower Bristol Road bus stop to the front of the application site.

The scheme included the provision of two car club spaces together with two car club vehicles and the applicant had agreed to an annual contribution to fund this provision. This could be secured in any future s106 agreement.

6. SUSTAINABLE CONSTRUCTION

The benchmark for demonstrating that energy efficiency has been "maximised" as required by policy CP2 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.

7. RESIDENTIAL AMENITY

The application site is located in close proximity to a number of residential properties. 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. Furthermore, 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, privacy, and increased noise and disturbance.

The five storey blocks are considered to be sited sufficiently distant from the houses in Denmark Road and South View Road with few windows facing south, so as not to have an adverse impact on privacy. The previous scheme included three proposed roof gardens between 11 and 15 metres from the southern boundary. These were designed with raised planters set in from the edges of these roof gardens to restrict access to the edge of the garden and to provide screening. This scheme includes a further flat roof area at block K. Whilst this has the potential to increase overlooking, provided the details of these planters are satisfactory and maintained they will prevent the direct overlooking of houses to the south. It is suggested that a planning condition controls the details and future maintenance of these planters.

The three-storey housing and flats situated on the southernmost part of the site are considered to be sited in a satisfactory position but there is the potential for existing residents to the south to having a feeling of being overlooked. However, this overlooking should not be harmful as there is sufficient distance between the existing and proposed dwellings.

The effect of the proposed development on daylight and sunlight on existing buildings to the east and west of the site have been assessed within the submitted application documents. The impact will be minor and therefore in this regard there will be no significant adverse effect on the amenity of adjoining occupiers.

An assessment of the additional traffic and parking associated with the proposed development, see below, has found these issues to be satisfactory and therefore there should be no adverse effect on nearby residents. However, to safeguard both residential amenity and highway safety during the construction period of the development conditions will be attached to a planning permission if it is granted. Conditions will also be attached to safeguard the future residents of the proposed development from traffic noise and potential noise from deliveries to the commercial units. Where necessary mechanical ventilation to the residential units facing Lower Bristol Road will also be provided which will draw air from the rear of the proposed buildings above ground level.

8. FLOOD RISK

The site is predominantly within Flood Zone 1 (lowest risk) but a small part of the north of the site where it fronts Lower Bristol Road, particularly the area of the retained façade, is within Flood Zone 2 where there is a slightly higher risk of flooding. However, as the site is allocated for the uses proposed, there is no requirement for the applicant to carry out a sequential test.

The Flood Risk Assessment has been reviewed by the Environment Agency, and they have raised no objections to the development subject to the inclusion of conditions on any planning permission.

9. AFFORDABLE HOUSING

The site is situated within an area where policy CP9 requires the provision of 30% affordable housing, subject to viability.

A detailed viability assessment of the scheme has submitted with the application. This has been reviewed by the Council's independently appointed viability experts and is considered to be in accordance with current Planning Practice Guidance.

The assessment concludes that the scheme could not viably afford to delivery any affordable housing on-site. As a result, the scheme proposes no affordable housing, but complies with policy CP9.

10. PARKS AND OPEN 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

The proposal provides two areas of amenity greenspace (Brook Gardens 504 sqm and Pitman Yard 740 sqm) totalling 1,244 sqm and 513 sqm of Play Area. The on-site public green space, including the play area will need to be secured by condition/clause for the use by the wider public. However, the development proposal doesn't provide the full range and quantities of public greenspace to meet the demands generated from new residents and is reliant on existing off-site provision for recreational needs of which there is a deficit in the area.

The development site is in the vicinity of two greenspace improvement projects that with funding could meet the remaining demands and make the development acceptable in planning terms and compliant with policy LCR6. The projects are the Waterspace River Park / River Line project and the Brickfields Open Space Improvement Project. 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 £148,050 (capital cost and 10years maintenance).

11. ECOLOGY

The site is not sufficiently close to any designated sites for nature conservation for likely impacts to occur. The site has not become notably improved in terms of suitability for foraging or dispersing horseshoe bats linked to the Bath and Bradford-on-Avon Bats

Special Area of Conservation since the previous ecological assessment. Avoidance measures for indirect impacts onto Linear Park SNCI can be secured through a condition for a CEMP.

An ecology report has been submitted with the application and reviewed by the Council's Ecologist who has raised no objection to the proposals and has confirmed that the proposals are likely to achieve biodiversity net gain to meet NPPF and policy NE3 requirements. They have sought a couple of clarifications regarding confirmation of the CEMP being followed during the demolition and a minor amendment to the lighting scheme. These clarifications have been submitted by the applicant and the Ecologist will comment further.

12. CONTAMINATED LAND

The previous consent was subject to contaminated land conditions requiring investigation, remediation and verification. Aspects of these conditions have already been discharged in order to enable the demolition of the former factory buildings. However, some aspects remain outstanding, and it would be necessary for further conditions to be applied to any new consent to ensure that the site is properly investigated, remediated and verified prior to any occupation.

13. DRAINAGE

A drainage strategy has been submitted with the application. This has been reviewed by the Drainage and Flood Risk team who have no objection to the proposals, subject to confirmation of the acceptance of the discharge rates from Wessex Water (which was received subsequent to their comments) and a condition requiring the detailed drainage design and maintenance to be submitted and approved.

14. ARCHEALOGY

The previous consent was subject to conditions pertaining to archaeology some of which have already been discharged. However, it is considered that further conditions will still be necessary to ensure any archaeology on the site is properly assessed and preserved.

15. 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 286 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 proposals are also likely to make a contribution towards the Council's 5-year land supply.

However, the failure to provide any affordable housing as part of the scheme does temper the weight to be afforded to this matter.

Economic benefits

The application proposals would bring about various economic benefits including the generation of a significant amount of construction jobs for the duration of the construction project and provide opportunities for targeted recruitment and training. Once complete, it would introduce an additional population of economically active residents which would contribute towards the local economy. The site has also already made a significant CIL contribution (via the implementation of the previous consent) which can be used to fund infrastructure and projects in the wider community.

The provision of the commercial floorspace is also beneficial, but the weight to be afforded to this matter is tempered by the failure to meet the minimum requirements of the allocation policy.

Regeneration of underutilised site and sustainable location

The site has been either derelict or vacant for several years, with the previously approved scheme stalling due to challenging viability issues even in a significantly more stable economic climate

Paragraph 120 sets out that planning decisions should: give substantial weight to the value of using suitable brownfield land within settlements for development needs; promote and support the development of under-utilised land and buildings; and support opportunities to use the airspace above existing residential and commercial premises for new homes. It is therefore acknowledged that substantial weight should be given to the value of using this suitable brownfield land 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

Pedestrian and cycle improvements

The scheme proposes to provide several pedestrian and cycle improvements within the vicinity of the site. 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.

16. OTHER MATTERS

Planning obligations

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. Pedestrian and cycle improvements at the Lower Bristol Road / Windsor Bridge Road junction
 - b. Pedestrian and cycle improvements at the Midland Road pedestrian crossing
 - c. Pedestrian and cycle improvements and a bus stop along the site frontage (Lower Bristol Road)
 - d. Improved street lighting along the site boundaries on Lower Bristol Road, Dorset Close and Brook Road
2. Two car club vehicles
3. Commitment to implementing a Travel Plan
4. Cycle purchase vouchers
5. Parks and green space contribution
6. Fire Hydrant contribution
7. Targeted recruitment and training obligations and contribution
8. Connection of district heat network (if available)

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.

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 population being introduced to the area. 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.

17. 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 proposed development results in a number of conflicts with the adopted development plan.

It directly conflicts with the development requirements of the allocation policy SB9 by not providing a minimum of 1,500 sqm (GIA) of office floorspace. This also brings it into conflict with objectives of policy B1 of the Core Strategy to increase jobs in the district and 'expand the knowledge intensive and creative employment sectors.'

The proposal further conflicts with the requirements of the allocation policy in proposing the loss of historically important elements of the 1920s factory façade, namely the chimney which has been identified as holding significance. It has not been considered as an integral part of the urban design response and its loss would detract from the character and appearance of the street scene contrary to policies HE1 and D2.

The failure to provide a north-south connection through the site into the adjoining neighbourhood connection represents a significant missed opportunity and would fail to adequately connect the development into existing routes through the adjoining residential areas. It diminishes the permeability of the scheme and is contrary the requirements of the allocation policy SB9(7) and the urban grain policy D3 of the Placemaking Plan.

In addition to the above, the proposal would have a significant deficit of on-site parking spaces against the parking standards in policy ST7. This 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. The proposals would therefore also be in conflict with the spatial strategy's requirement to implement the adopted parking strategy in Bath (Policy B1.10.c).

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

- o Provision of 286 dwellings which contribute towards meeting housing targets
- o Provision of 950 sqm of commercial floorspace
- o Contribution towards 5-year land supply
- o Economic benefits associated with the construction and operational phases of development
- o Regeneration and redevelopment of a derelict site
- o The site's sustainable location
- o Improved facilities for walking and cycling

Whilst many of these matters align with aspects of the spatial strategy for Bath, when read as a whole, it is considered that the current proposals are contrary to the development plan and that material considerations do not indicate that permission should be granted.

18. CONCLUSION

The proposal would fail to meet several of the allocation policy requirements by not providing the minimum level of office floorspace and by seeking the demolition of the historically important chimney of the former factory's façade. There is a significant missed opportunity in the failure to provide a suitable north-south link through the development. Furthermore, the proposed development has a substantial shortfall in vehicle parking compared to the minimum parking standards in policy ST7.

Whilst the scheme does bring some benefits these are not considered sufficient to outweigh the identified conflicts and harms.

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 Insufficient office floorspace

The proposed development results in the under provision of office space when compared to the quantum required by the allocation. The development would therefore fail to contribute make a sufficient contribution towards the economic objectives of the Development Plan. The development is therefore contrary to the Development Plan, in particular polices B1 and SB9 of the Core Strategy and Placemaking Plan.

2 Loss of chimney

The proposed development would involve in the loss of historically important chimney of the 1920 factory. The proposals would therefore result in harm to the non-designated heritage asset for which no clear and convincing justification exists and would be contrary to the development requirements of the allocation to the detriment of the surrounding area and the development itself. The proposals are therefore contrary to the Development, in particular policies HE1 and SB9.

3 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 Development Plan, in particular policies B1 and ST7 of the Core Strategy and Placemaking Plan.

4 Lack of connection to south

The proposed development fails to provide sufficient north-south connections through the site for neighbouring residential communities and fails to adequately connect with existing routes in and through adjoining areas. The development is therefore contrary to the Development Plan, in particular polices D3 and SB9 of the Placemaking Plan.

PLANS LIST:

1 1275-001 P1 Vegetation Removal and Retention Plan
1275-R002 Illustrative Masterplan
1275-002 P2 Landscape Masterplan
1275-003 P2 Landscape GA 1 of 4
1275-004 P2 Landscape GA 2 of 4
1275-005 P2 Landscape GA 3 of 4
1275-006 P2 Landscape GA 4 of 4
1275-007 P3 Roof Terrace GA
1275-008 P2 Section and Detail Location Plan

1275-100 P2 Proposed Trees and Services Plan
1275-200 P4 Ground Level Planting Plan 1 of 4
1275-201 P4 Ground Level Planting Plan 2 of 4
1275-202 P4 Ground Level Planting Plan 3 of 4
1275-203 P4 Ground Level Planting Plan 4 of 4
1275-204 P3 Roof Level Planting Plan
1275-400 P2 Typical Detail: Tree Protective Fence
1275-401 P2 Typical Detail: Tree Pit Soft
1275-402 P2 Typical Detail: Tree Pit Hard
1275-403 P2 Typical Detail: Roof Terrace
1275-404 P2 Typical Detail: Block Paving
1275-405 P2 Typical Detail: Pennant Paving
1275-406 P2 Typical Detail: Rubber Crumb Surface
1275-407 P2 Typical Detail: Resin Bound Surface
1275-408 P2 Typical Detail: Pennant Steps
1275-409 P2 Typical Detail: Balustrade and Handrail
1275-410 P2 Typical Detail: Stone Wall
1275-411 P2 Typical Detail: Brick Wall Front Garden
1275-412 P2 - Typical Detail - Brick Wall Back Garden;
1275-413 P2 - Typical Detail - Brick Wall Terrace;
1275-414 P2 - Typical Detail - Retaining Wall;
1275-416 P2 - Typical Detail - Timber Fence;
1275-417 P2 - Typical Detail - Roof Terrace Furniture;
1275-418 P2 - Typical Detail - Ground Level Furniture;
1275-420 P2 - Typical Detail - Litter Bin;
1275-421 P2 - Typical Detail - Cycle Stand;
1275-422 P2 - Typical Detail - Seating Steps;
1275-423 P2 - Typical Detail - Biodiversity Roof;
1274-424 P1 - Typical Detail - Tree Pit Rubber Crumb;
1274-425 P1 - Typical Detail - Car Parking Bays
1274-426 P1 - Typical Detail - Block A - Southern Wall;
1274-427 P1 - Typical Detail - Bespoke Paving;
1274-424 P1 - Typical Detail - Tree Pit Hard - Lower Bristol Road;
1275-500 P2 Landscape Section A-AA;
1275-501 P2 Landscape Section B-BB;
1275-502 P2 Landscape Section C-CC;
1275-503 P2 Landscape Section D-DD.

BP-CDA-SW-00-DR-A-020110_P6_WEST BLOCK GROUND FLOOR PLAN
BP-CDA-SW-01-DR-A-020111_P6_WEST BLOCK FIRST FLOOR PLAN
BP-CDA-SW-02-DR-A-020112_P6_WEST BLOCK SECOND FLOOR PLAN
BP-CDA-SW-03-DR-A-020113_P6_WEST BLOCK THIRD FLOOR PLAN
BP-CDA-SW-GF-DR-A-020006_P3_SITE PLAN GROUND FLOOR
BP-CDA-SW-RF-DR-A-020114_P6_WEST BLOCK ROOF PLAN
BP-CDA-SW-ZZ-DR-A-020005_P3_PROPOSED SITE PLAN
BP-CDA-SW-ZZ-DR-A-020121_P2_SUBSTATION 1
BP-CDA-SW-ZZ-DR-A-020122_P2_SUBSTATION 2, 3 AND CYCLE STORE
BP-CDA-SW-ZZ-DR-A-020201_P3_WEST BLOCK SITE SECTIONS A, B, C, D
BP-CDA-SW-ZZ-DR-A-020202_P3_WEST BLOCK SITE SECTIONS E, F, G
BP-CDA-SW-ZZ-DR-A-020203_P3_EAST BLOCK SITE SECTIONS H, I, J

BP-CDA-SW-ZZ-DR-A-020204_P3_EAST BLOCK SITE SECTIONS K, L, M
BP-CDA-SW-ZZ-DR-A-020205_P3_WEST BLOCK SITE SECTIONS N, O, P
BP-CDA-SW-ZZ-DR-A-020206_P3_WEST BLOCK SITE SECTIONS Q, R, S
BP-CDA-SW-ZZ-DR-A-020207_P3_EAST BLOCK SITE SECTIONS T, U
BP-CDA-SW-ZZ-DR-A-020208_P3_EAST BLOCK SITE SECTIONS V, W
BP-CDA-SW-ZZ-DR-A-020209_P3_EAST BLOCK SITE SECTIONS X, Y
BP-CDA-SW-ZZ-DR-A-020301_P2_WEST BLOCK DETAILED SECTION A BUILDING A
BP-CDA-SW-ZZ-DR-A-020308_P2_EAST BLOCK DETAILED SECTION J-M
BP-CDA-SW-ZZ-DR-A-020309_P2_EAST BLOCK DETAILED SECTION K
BP-CDA-SW-ZZ-DR-A-020310_P2_EAST BLOCK DETAILED SECTION P
BP-CDA-ZZ-01-DR-A-020116_P2_EAST BLOCK FIRST FLOOR PLAN
BP-CDA-ZZ-02-DR-A-020117_P2_EAST BLOCK SECOND FLOOR PLAN
BP-CDA-ZZ-02-DR-A-020118_P2_EAST BLOCK THIRD FLOOR PLAN
BP-CDA-ZZ-04-DR-A-020119_P2_EAST BLOCK FOURTH FLOOR PLAN
BP-CDA-ZZ-GF-DR-A-020115_P2_EAST BLOCK GROUND FLOOR PLAN

2 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.

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

Item No: 02
Application No: 21/01588/FUL
Site Location: Field Between City Farm And Cotswold View The Hollow Southdown
Bath Bath And North East Somerset



Ward: Twerton **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Tim Ball Councillor Sarah Moore
Application Type: Full Application
Proposal: Erection of 9 dwellings with associated access, parking, drainage, landscaping and ecological mitigation.
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Freemantle Capital Partners (Hollow) Ltd
Expiry Date: 24th September 2021
Case Officer: Chris Griggs-Trevarthen
To view the case click on the link [here](#).

REPORT

REASONS FOR REPORTING TO COMMITTEE

Councillors Sarah Moore, Paul Crossley, Dine Romero and Jess David have requested that the application be brought before the Development Management Committee if the application is recommended for approval. Their comments are summarised in the representations section below. The chair has decided that the application should be determined by committee for the following reason:

"I have looked at the application and all the related information relating to this site including third party and statutory consultees comments. The application has addressed

the main reason raised by the planning inspector when the appeal was dismissed and the proposal as it now stands has been assessed against relevant planning policies as the report explains. However, I note Ward Councillors' request the application be determined by the planning committee which I support as it would show a consistency of approach to this site."

DESCRIPTION

The application site comprises a 0.49 hectare field fronting The Hollow. It lies between Cotswold View to the north-east and buildings associated with the Bath City Farm to the south-west. The field slopes steeply down to the north-west, where it adjoins the open pasture fields of the City Farm. A public footpath through the fields runs adjacent to the field's boundary.

The site lies within the boundary of the Bath World Heritage Site and adjacent to the boundary of the Bath CA. It also falls within the boundary of the Twerton Farm Site of Nature Conservation Interest (SNCI), which centres on the City Farm.

The application proposes the erection of 9 houses in 2 terraces on The Hollow frontage. There would be a new vehicular access off The Hollow and a parking area to the rear surrounded by landscaping.

PLANNING HISTORY

19/00786/FUL

Erection of 9 dwellings with associated access, parking, drainage and landscaping.

Application status - REFUSED - December 2019

Appeal status - DISMISSED - March 2021

15/02807/FUL

Erection of 20no. dwellings and associated works.

Application status - REFUSED - 18 June 2015

Appeal status - DISMISSED - 18 April 2017

14/01245/FUL

Erection of 1.8m high fence (Retrospective)

Application status - REFUSED - 12th May 2014

13/05158/FUL

Erection of 1.8m high fence, with access gate (Retrospective application)

Application status - WITHDRAWN - 21st February 2014

08/00518/FUL

Erection of 30 dwellings with new access road and associated landscaping on land adjacent to The Hollow

Application status - WITHDRAWN - 30th April 2008

ENVIRONMENTAL IMPACT ASSESSMENT

The Council has adopted a screening opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations and concluded that it does not represent EIA development.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ARCHAEOLOGY: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions

ARBORICULTURE: No objection, subject to conditions

ECOLOGY: No objection, subject to conditions and legal agreement

HIGHWAYS: No objection, subject to conditions

AVON AND SOMERSET POLICE: Not acceptable in current format

The design proposed lacks natural surveillance, perimeter security and adequate lighting and it is likely that in the face of crime and anti-social behaviour residents will soon choose to park their vehicles in safer places, most likely on the highway.

If possible, consideration should be given to locating parking bays in front (and in view) of the dwellings, in a secure car park at the rear with adequate perimeter fencing, lighting and access controlled gates or in an underground car park or garages.

The perimeter fences shown on the plans for the rear gardens are of sufficient height, but lack lockable gates rendering the rear of the dwellings at risk of being burgled. Gates should be of the same height as the fences.

COUNCILLOR SARAH MOORE (First comment): Objection

The proposed traffic scheme appears to be extremely dangerous; this road has had a number of accidents at this location. The chicanes that are currently there were requested when Cotswold View was built and the distance between them are already greater than ideal. Removing the upper build out and moving it higher up the road will make them ineffective and the build out above the junction with Kelston View is ridiculous. The new build out above Kelston View will be on the brow of the hill where traffic coming up the hill will not be seen clearly until the vehicle coming down the hill has already pulled out around the build out. The traffic has increased considerably on this road since the commencement of the CAZ and this adds to the dangers.

The following planning constraints apply to this land - Agric Land Class 3B, 4, 5, Policy B4 WHS - Boundary, Policy B4 WHS - indicative extent, Policy NE2A Landscape and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks SSSI - Impact Risk Zones, I am concerned that this development will have an impact on each of these policies and more specifically on the wildlife currently living and using this field. Any scale of development on this field cannot provide sufficient mitigation in the surrounding area to out-way to the impact it will have.

Whilst parking bays are proposed behind the houses, Avon and Somerset Police have also raised grave concerns about this from a crime prospective and with the moving of the

build outs and moving the bus stop will mean more on street parking lost that is gained by this application.

As stated in the report from Avon and Somerset Police, I agree that the design has a very large risk of crime. None of the actions the Police suggested with the previous application have been included within this application and therefore the risks still exist.

As this site is an area of potential archaeological interest, a complete survey of the field should have already been carried out to see if this site is suitable to be built on, not rely on the developer to agree to do this after approval has been granted.

COUNCILLOR SARAH MOORE (Second comment): Objection

Despite the developer altering the Highways layout, I am still not in a position to support this application for the following reasons:

1. The Police concern over crime and security have not been addressed in anyway.
2. Although this alteration removes the extremely dangerous build out above Kelston View, it now introduces partial build outs within the current traffic calming, which I believe will be ineffective due to the narrow nature of the design.

I believe these will lead to congestion within the build outs especially at busy times of the day when there are likely to be less vehicles parked.

I would ask that a full highways assessment is carried out based solely on this amendment in its own right and not as an adjustment to the original scheme. I would also request a full road safety assessment is carried out prior to any formal decision being made.

3. The positioning of the proposed build outs will cause access issues into and out of the new access road and Cotswold View, especially for larger vehicles such as fire engines. They are also on the same side of the road, which means priority throughout the entire stretch of road is for uphill traffic which could easily result in gridlock on this area of road.

4. As an authority, we have declared both a climate and ecological emergency and these new plans not only lose part of our green field which forms part of our natural hillside environment but now proposes to remove two healthy long-standing trees, for absolutely no valid reason.

COUNCILLOR DINE ROMERO: Objection

My particular concerns are on road safety, The Hollow is already a dangerous road with many accidents and near misses. The junction with Langdon Road has several recorded incidents including speeding cars ending up almost in the house on the corner.

An additional entrance up from Cotswold View, with new build-outs will add to existing sight line problems for cars exiting Langdon Road.

I have previously shared concerns of the development in one of the few dark skies places in this part of the city, there will clearly be an adverse impact on night time wildlife. The overall ecology of this area will not be improved by the removal of mature trees along the roadside. The loss of these mature trees will not be mitigated by the developers landscaping proposal.

This scheme does not address the loss of a visible green space from across the valley, and so has a negative impact on the WHS as the green setting and the green fingers into the urban parts of the city are fundamental to the city's status.

This land has been subject to several applications as well as inspector hearings all of which have found development here to be unsuitable. I fear that applications will continue until the council gives in.

COUNCILLOR PAUL CROSSLEY: Comments

I endorse Cllr. Moore's request for a thorough traffic impact assessment on this application and not just a revamp of the previous one. In my view, the developer should be asked to provide this and to commission an independent company to do the work.

COUNCILLOR JESS DAVID: Comments

I would also like to share my concerns about this proposal, given its location in an SNCI, and support the request that Sarah has made for this to go to committee.

BATH PRESERVATION TRUST: Objection

We maintain that this application would result in the loss of part of one of Bath's recognised "important hillsides" with resulting detriment to the landscape setting and OUV of the WHS, and the indicative landscape setting of the Twerton village character area of the Bath conservation area. The proposed dwelling design, form, massing, and use of materials neither complement nor contribute to existing townscape character or distinctiveness. Thus, this scheme is contrary to Sections 12, 15, and 16 of the NPPF, and Policies BD1, B1, B4, D1, D2, D3, D5, D7, HE1, NE2, and NE2a of the Core Strategy and Placemaking Plan, and the application should be refused or withdrawn.

THIRD PARTIES/NEIGHBOURS: There have been 178 OBJECTION comments from third parties. The main issues raised were:

A majority of the comments consider that the proposals would result in significant harm to highways safety. These concerns relate to introduction of a new access onto The Hollow, the proposed re-positioning of the existing traffic calming measures, the increase in traffic, poor visibility and refuse collections. The comments state that there have been a number of recent accidents on The Hollow and that the proposals will exacerbate the existing situation. It was also suggested that traffic had recently increased on The Hollow since the implementation of the Clean Air Zone in Bath.

There is concern that the proposed development also has insufficient parking provision and will therefore add further pressure to parking in surrounding streets. This would be exacerbated by the fact that occupiers will not use the proposed car park for safety reasons.

Many comments highlighted the concerns of Avon and Somerset Police about the design of the car park and felt that it would encourage crime and anti-social behaviour.

Many of the comments consider that the development would result in the loss of an important open space and green field. Some consider this is unnecessary and that brownfield sites should be developed instead.

The site is described by some comments as being vitally important for wildlife/nature and is identified as a Site of Nature Conservation Interest (SNCI) which plays host to badgers, foxes, owls, bats, butterflies, bees and other wildlife. The comments consider that the development would result in harm to this wildlife through disruption, the loss of habitat and the loss interconnectivity. This was considered to be particularly important in the context of the Climate and Ecological Emergencies declared by the Council. It was considered that the proposed management plans were inadequate and only paid 'lip-service' to ecological concerns. There were also concerns that the land to be used for ecological mitigation/compensation was not in the applicant's control.

Several of the comments consider that construction traffic and access associated with the development is a potential hazard to pedestrian and highways safety.

Some comments are concerned that the proposals will negatively impact upon the Bath City Farm through the loss of green space near to the farm boundary, the loss of views out, noise and disturbance and lack of management of the adjoining land.

Many consider that the site is an important hillside which contributes towards the Outstanding Universal Values of the World Heritage Site. They are concerned that the proposed development would harm important views of this hillside and the Bath skyline. There is concern that the proposals would result in light pollution which would eliminate the 'pool of darkness' that contributes to this character area.

Many also have concerns that the development will have an adverse impact in terms of drainage and surface water run-off. These comments are concerned that the existing sewer in Cotswold View does not have the capacity to accommodate the new development and that any run-off from the development will flow into properties on Cotswold View.

Some residents of Cotswold View are concerned that the proposals will result in a loss of privacy.

A few comments suggested that the proposals would reduce access to green space in this locality and therefore exacerbate existing health inequalities.

There were many concerns about the potential loss of two street trees on The Hollow which would arise as a result of the revised traffic calming scheme.

Comments suggested that the proposals will result in an increase in traffic which will cause congestion, increased pollution and noise disturbance.

There was concern that the proposals represented the first phase of a large planned development and would set a precedent for further erosion of the hillside.

There are several comments about the design of the proposals. It is suggested that the layout, the terrace form and the use of materials are out of keeping with the character of the area which is characterised by post war semi-detached dwellings constructed in Bath stone.

Many comments raised concerns about inaccuracies and omissions in the application form and concerns about the consultation process.

One comment highlighted the need for a legal agreement to secure the proper management of the land.

One comment considered that the use of gas boilers was unsustainable and a missed opportunity.

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)

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:

- SD1 Presumption in favour of sustainable development
- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B4 The World Heritage Site and its Setting
- CP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- 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:

- SU1 Sustainable Drainage
- D1 Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and spaces
- D5 Building Design
- D6 Amenity
- D8 Lighting
- D10 Public Realm
- BD1 Bath Design Policy
- H5 Retention of existing housing stock
- SCR2 Roof mounted/Building-integrated scale solar PV
- SCR5 Water Efficiency
- 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
- NE6 Trees and woodland conservation
- PCS2 Noise and vibration
- PSC5 Contamination
- PCS6 Unstable land
- PCS7A Foul sewage infrastructure
- ST1 Promoting sustainable travel
- ST7 Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS

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)
Bath Building Heights Strategy (2010)
West of England Sustainable Drainage Developer Guide (2015)
The City of Bath World Heritage Site Management Plan 2016 - 2022
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

| | |
|-----------|--|
| 55 - 58 | Planning conditions and obligations |
| 81 - 83 | Supporting economic growth |
| 92 | Achieving healthy, inclusive and safe places |
| 107 | Setting parking standards |
| 119 - 120 | Making effective use of land |
| 123 - 132 | Creation of high quality buildings and places |
| 134 | Refusing poor design |
| 174 | Conservation and enhancing the natural environment |
| 180 | Habitats and biodiversity |
| 189 | Significance of heritage assets |
| 194 - 197 | Proposals affecting heritage assets |
| 199 - 208 | 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

The main issues to consider are:

1. Background
2. Principle of development
3. Landscape
4. Design
5. Highways safety and parking
6. Residential amenity
7. Ecology
8. Trees and woodland
9. Surface water drainage
10. Archaeology
11. Contaminated Land
12. Sustainable construction
13. Other matters
14. Planning balance
15. Conclusion

1. BACKGROUND

The planning history of this site is highly relevant to the determination of the current application.

Application 15/02807/FUL for the erection of 20 dwellings on this site was refused by the Council in June 2015. It was subsequently dismissed at appeal in April 2017. At this point, the proposals spread across the whole site and the Inspector concluded the following:

- o The proposal would cause less than substantial harm to the WHS;
- o The proposal would have a neutral impact upon the Conservation Area;
- o The buildings fronting The Hollow make a decent attempt at responding to local character and history, but the larger houses within the site pay no more than lip service to the character of the local surroundings;
- o The ecological mitigation features would be too small, poorly designed and laid out, and would not provide the intended habitat value;
- o The public benefits of the proposal did not outweigh the harm to the WHS.

A revised application (19/00786/FUL) which proposed the erection of 9 dwellings fronting The Hollow was refused against officer recommendation in December 2019 for the following three reasons:

1. Loss of green hillside and harm to the world heritage site;
2. Design of the dwellings, particularly the terrace, being out of keeping with the character of the area;
3. Adverse impact upon the Twerton Farm SNCI and ecology.

The appeal was dismissed in March 2021, but the Inspector's conclusions and reasoning for dismissing the appeal are highly relevant to the current application. It was concluded that:

- o Development would have a very limited impact upon the contribution that the wider hillside makes to the setting of the World Heritage Site and this harm would be outweighed by the public benefits of the scheme.
- o There would be no harm to the character and appearance of the surrounding area.
- o There is sufficient room within the wider field to accommodate suitable measures to compensate for the impact of the development on the biodiversity interest of the SNCI.
- o The success of the ecology mitigation would be dependent on the retention of existing and proposed features, and their ongoing management. These ongoing responsibilities would not be within the control of the appellant, so the condition would not be enforceable.

The appeal was therefore dismissed for the sole reason that the agreed ecological mitigation and compensation measures were not adequately secured.

The current application is a resubmission of the previous appeal proposal with the exception that the red line of the application site has now been enlarged to cover the

adjacent field where the ecological mitigation/compensation proposals are located. There has also been a change to the highways proposals (see Highways section below).

Given the similarities with the previous appeal scheme, clear reasons and justification must be given for any departure from the Inspector's previous reasoning and conclusions where the proposal and the context of the current application remains unchanged from the previous appeal.

2. PRINCIPLE OF DEVELOPMENT

Policy B1 of the Core Strategy plans for 7,000 new homes within Bath, with 1,150 of these to be delivered through small scale intensification distributed throughout the existing urban area. Although part of an undeveloped hillside, the site is considered to be part of the existing urban area of Bath. The principle of new residential development in this location is acceptable in accordance with policy B1 of the Core Strategy.

3. HERITAGE

World Heritage Site

The City of Bath WHS is a designated heritage asset of the highest significance. The landscape setting of Bath is one of the city's most important assets. The City of Bath WHS Statement of Outstanding Universal Value (OUV) makes it clear that the planned relationship of the built development to its landscape setting was a major factor in the inscription of Bath as a WHS. The WHS Management Plan identifies six headline attributes which express the essential qualities of the OUV. Of these, 'The Green Setting of the City in a Hollow in the Hills' is the attribute of most relevance to this application.

In this respect here are a number of prominent green hillsides within the built-up area of Bath which are vital to the city's landscape setting and character. The Bath WHS Setting SPD identifies the Twerton Farm/Bath City Farm fields as one of these important green hillsides. The City-wide Character Appraisal SPD confirms that this undeveloped area is of city-wide importance, breaking up the Twerton townscape and, at night, appearing as a pool of darkness within the built up area. It makes a major contribution to the character and significance of the WHS as a whole.

Map 5 of the Setting SPD clearly shows that, while the application site is not part of the City Farm holding, it does lie within the area indicated as a green hillside forming a prominent feature in the landscape setting of Bath.

In assessing the impact of the previous appeal proposals upon the World Heritage Site the Inspector concluded:

"9. The single row of houses proposed under the appeal scheme would extend the existing built edge of development into the undeveloped land to the north of The Hollow. However, the presence of existing housing spreading further northwards on both sides, means that the development would not appear as an uncharacteristic intrusion of development into the open land. The houses in The Hollow, opposite the appeal site, are already visible from the viewpoints to the north. Consequently, the visual impact of the proposed row of opposing houses fronting the road would be barely discernible in the

wider landscape, particularly in the longer term, as the landscaping to screen the car-parking area matured.

10. At the time of my visit, bright sunshine reflecting from the windows in the surrounding housing demonstrated the importance of the wider green hillside as a pool of darkness within the built-up area at night. Apart from windows in the rear elevations of the houses, the development would not introduce any major sources of lighting onto the hillside. Even taking into account the need to design out crime, a combination of landscaping and a suitable lighting scheme for the car-parking area could ensure that there was no significant impact on the wider night-time landscape. Indeed, the row of houses could act as a screen to wider views of the existing street lighting and traffic headlights in The Hollow. Overall, therefore, the impact of the development on the pool of darkness would be negligible.

11. The development would, therefore, have a very limited impact on the contribution that the wider hillside makes to the setting of the WHS. However, it would result in a small reduction in its overall extent. The Heritage Statement submitted with the application concluded that this would result in a slight to moderate adverse significance of effect on the OUV of the WHS. Consequently, the proposals would result in less than substantial harm to the heritage asset. In view of the small scale of the development, the existing urban influence on this part of the site, and the very limited visual impact, I find that this harm would be at the lowest end of the scale."

In terms of the proposed built form, the proposals are very similar to the previous appeal scheme and there has been no significant change in context which would justify a departure from the Inspector's previous conclusions on this matter. It is therefore considered that the proposals will result in less than substantial harm to the World Heritage Site (at the lowest end of the scale).

In accordance with paragraph 202 of the NPPF, this harm should be weighed against the public benefits of the proposals. This is considered in the planning balance section below.

Conservation Area

The Bath Conservation Area lies to the west of the application. The site therefore falls within the setting of the Conservation Area and has the potential to impact upon it.

Here it is considered that the conclusions of the Inspector dealing with the 2017 appeal (ref: 15/02807/FUL) are relevant. The appeal proposal was for a much larger scheme of 20 dwellings which were spread across all of the site. In that appeal, the Inspector concluded that the proposals would have a 'neutral impact' upon the setting of the Conservation Area.

The current proposal is much smaller than the appeal proposal (being only for 9 dwellings rather than 20) and only proposes new two storey buildings along the site frontage onto The Hollow. It is therefore considered that the current proposals will have an even lesser impact upon the setting of the Conservation Area and will preserve its special character and appearance.

4. DESIGN

With the exception of the open hillside to the northwest, the site is surrounded by fairly tight knit C20 suburban housing development. Cotswold View, immediately to the north-east, comprises a mixture of bungalow and two storey dwellings. The Hollow, from which the site is proposed to be accessed, comprises a row of 2 storey semi-detached properties with a fairly uniform style and building line. Kelston View, to the south east, also comprises a number of two storey semi-detached dwellings with regular spacing.

The application proposes two blocks of two storey traditional dwellings on the frontage of the site facing the Hollow. The terrace form is not widely used throughout the surrounding area, but does have some precedent in the nearby Cotswold View development. Notwithstanding this, the proposals are considered to have regarding to the character and quality of the surrounding townscape (fronting The Hollow, two storey scale, human scale design) and broadly reflects the form, pattern and grain of the existing townscape.

The proposed materials comprise a mixture of reconstructed rubble stone walls, vertical timber cladding, powder coated aluminium windows and clay roof tiles. Whilst reconstructed stone is less preferable to a natural material, reconstituted stone is commonly used throughout the surrounding area. Furthermore, its use is limited to the ground floor elevations and the other natural materials (e.g. clay tiles and timber cladding) will make up the majority of the buildings appearance. The proposals also include natural stone walling for the front boundary walls of each property. Final details and specifications of the proposed materials can be secured by condition.

The inclusion of a parking courtyard to the rear of the proposed terraces is less preferable than providing on-plot parking for each of the units as this area is not provided with much natural surveillance and concerns have been raised by Avon and Somerset Police. The provision of on-plot parking presents significant difficulties due to the topography of the slope and would likely require significant additional alterations to the landform. Additionally, locating on-plot parking at the front of the development would result in the street scene appearing car dominated and requiring significant number of additional crossovers which would likely result in an objection on highways safety grounds. In this context, it is considered that the proposed approach to providing parking within a small car parking area to the rear is sensible. A sensitive landscaping and lighting scheme can be secured by condition to ensure that, as far as possible, efforts can be made to design out crime and anti-social behaviour.

In assessing the design of the previous appeal proposals, the Inspector concluded:

"The development would therefore provide an appropriate response to the site context. It would be in keeping with the general form, scale, and pattern of the immediate built environment, whilst utilising materials that recognise its location on the edge of a large area of greenspace. As a result, there would be no harm to the character and appearance of the surrounding area. Consequently, the proposal would accord with Policies CP6 of the Core Strategy and D2 of the Placemaking Plan, which seek to ensure that the distinctive quality, character and diversity of Bath's environmental assets are protected, and that development contributes positively to local character and distinctiveness."

There has been no significant change to the proposals from the previous appeal scheme and there has been no significant change in context which would justify a departure from the Inspector's previous conclusions on this matter.

The proposals are therefore considered to have an acceptable design and would not the character or appearance of the area. The application therefore complies with policies D1, D2, D3, D4 and D5 of the Placemaking Plan.

5. HIGHWAYS SAFETY AND PARKING

Access

The Hollow is within a 20mph speed limit with an existing traffic calming scheme in place, and pedestrian footways are provided on either side of the carriageway. Vehicular access to the site will be achieved directly off The Hollow.

The application is supported by a 'Technical Note on Access' which has been reviewed by the Highways Officer.

The proposed width of the private access road, 4.8-metres, exceeds the minimum requirement recommended by Manual for Streets of 4.1-metres to allow cars travelling in opposing directions to safely pass one another and is therefore acceptable. The proposed access will also have sufficient visibility in both directions onto The Hollow.

The swept path analysis provided demonstrates that the private access road, turning head and off-street, car parking spaces are fully accessible to a standard car and that the turning head allows the driver of a car to manoeuvre the vehicle such that it can enter The Hollow in a forward gear, which is acceptable in highway safety terms.

Parking

The proposed nine, three-bedroom dwellings require the provision of 20 off-street, car parking spaces to accord with the requirements of the authority's adopted parking standards under policy ST7.

The completed accessibility assessment allows for a discount of 10%. This reduces the parking standard for this site to 18 spaces, although the Parking Strategy (Technical Report 2018) which contains the accessibility assessment explains that the final level of parking to be provided remains subject to the judgement of the Council.

A total of 16 off-street, car parking spaces are proposed, which represents a shortfall of two spaces. However, the Highways Officer has advised that the level of parking is considered to be appropriate due to the parking opportunities for visitors which exist on-street. The level of parking is the same as previously considered under application 19/00786/FUL to which the Council raised no objection on these grounds.

The level of car parking is therefore considered acceptable.

The application provides sheds for each of the proposed dwellings to accommodate cycle storage. This will ensure that there is sufficient cycle parking provision and can be secured by condition.

Traffic calming

Considerable concern has been raised by third parties about proposals to amend the existing traffic calming features on The Hollow to enable the access to the site. These currently comprise priority working narrowings, central islands and road markings.

Detailed comments were provided by Avon and Somerset Police regarding the safety of the proposals as originally submitted. As a result, revised plans were submitted and subject to an independent stage 2 road safety audit. Both Avon and Somerset Police and the Highways Officer have now confirmed that the concerns originally raised have been addressed.

Currently the distance between the centre of the existing traffic calming features on The Hollow is approximately 80-metres. This exceeds the range suggested by highways guidance (TAL7/91). The distance between the replacement traffic calming feature on the north-west side of The Hollow and the proposed build out of the south-western side of the priority junction of The Hollow and Cotswold View is approximately 60-metres. The distance between the proposed build out of the south-western side of the priority junction of The Hollow and Cotswold View and the existing traffic calming feature which is to be retained is approximately 50-metres, meaning that the distance between proposed and existing measures is now within the range of 40 to 60-metres recommended by TAL7/91. The Highways Officer has therefore advised that reduced distance between traffic calming features will assist in achieving compliance with the posted speed limit of 20mph.

It is also noted that the proposed amended traffic calming scheme for The Hollow does not remove any existing on-street, car parking provision, which addresses another concern raised by third parties.

In summary both Avon and Somerset Police and the Local Highway Authority (LHA) have no highway objection the amended traffic calming scheme for The Hollow, as indicated on submitted plan reference 2129/03 Revision D. This can be secured by condition.

Traffic and trips

The trip rates and subsequent trip generation is summarised in the submitted technical note. This is of the order that then Highways Officer would expect nine residential dwellings to generate they consider that the two-way vehicular trips forecast to be generated by the proposed development will not have a material impact on the continued safe operation of the local highway network.

Waste and Recycling

It is not intended that the road leading to the rear car park would be adopted by the Council. Therefore, the collection of refuse and recycling will be carried out directly from

The Hollow using the Council's existing waste and recycling service, without the need for a refuse vehicle to enter the site.

Each dwelling is provided with a covered bin store located at the front of each of the properties and integral to the design of the new dwellings.

It is therefore considered that the proposed development will have adequate storage and collection arrangements for waste and recycling.

6. RESIDENTIAL AMENITY

The nearest property to the application site is 1 Cotswold View, which is a bungalow located along the north-east boundary. The positioning and orientation of the proposed dwellings means that none would directly overlook 1 Cotswold View. The proposed dwellings and associated gardens are a significant distance from 1 Cotswold View and will not offer any significant opportunities for overlooking.

There are a number trees along the boundary with 1 Cotswold View and it is proposed to plant 7 additional trees, comprising a mix of oak and cherry trees. The final detail of the landscaping scheme, including final species mix, will be reserved by condition. It is considered that the additional tree planting will create some additional shade directed towards 1 Cotswold View, but that this will not have such a significant impact as to be detrimental to the amenity of the occupiers.

The application site lies opposite existing residential properties on The Hollow (nos. 63 - 81). The proposed dwellings would be situated over 25m from these existing dwelling and would be separated by the public highway. This is considered sufficient to prevent any harmful overlooking or overbearing impacts upon these occupiers.

Bath City Farm, a community-run farming and volunteering organisation, have a training/volunteering building located on land to the south and west of the application site and undertake a number of their activities on nearby land. Many comments have highlighted the good work undertaken by the farm and some have raised concerns about the potential impact of the proposals on its operation.

There is also the potential that the operation of the farm could be adversely affected as smells, noise and disturbance from the farm drawing complaints from future occupiers of the proposed development. Whilst this is a valid concern, the farm currently operates close to a number of other existing residential properties without difficulty and it is considered that there is sufficient separation from the proposed development and sufficient land available to enable it to operate without being adversely affected by complaints from residents of the proposed development.

7. ECOLOGY

The proposal involves land that falls within the boundary of the larger "Twerton Farm" which is a designated Site of Nature Conservation Interest (SNCI), described as supporting semi-improved neutral grassland and scrub. There are also known populations of amphibians, including Great Crested Newt (GCN) (a European Protected Species), in

off-site ponds on adjacent land (Bath City Farm). This is confirmed by the submitted ecological assessment.

The proposal will result in permanent removal of an area of land that falls within the SNCI boundary, and the habitats this area supports, as well as risk of impacts on ecological value, including the value of the SNCI, on adjacent land. Consideration to policy NE3 is therefore required.

Policy NE3 requires that material considerations must be sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site. In addition, the harm to the nature conservation value of the site must be shown to have been minimised, and compensatory provision of at least equal nature conservation value must be made for any unavoidable harm.

The proposed development area falls in the southern section of this field and does not require loss of the area to the north; this allows for retention of the key features of ecological value within this part of the SNCI, including the boundary vegetation comprising trees, hedgerow and shrubs, scrub and damp hollow, and areas of badger activity.

The southern section of the site that is subject of the proposed development does also support habitat of some ecological value, and is used by a range of wildlife, including badger (for foraging and access onto and off the site) as demonstrated by the camera trap surveys. The loss of this area of the SNCI would require measures sufficient to compensate to equivalent value. This would require enhancement of the ecological value of all the remaining area of the same field to an ecological value that is considered to be at least double its existing value, or, perhaps more realistically, a combination of measures that provide equivalent level of new ecological benefit to that being lost, within and potentially also adjacent to the site.

A scheme of ecological mitigation, compensation and enhancement is proposed by the application to take place within the undeveloped part of the site. This scheme has been reviewed by the Council's Ecologist who is satisfied that it is acceptable and can provide the required level of compensation. In addition, the Council's Ecologist considers that the current scheme is an improvement on the previous appeal scheme for the following reasons:

1. The red line boundary now incorporates the northern section of the field (excluding boundary vegetation). The ecological mitigation and compensation that was previously offsite is now to be secured via a s106 agreement and will now be on land that is within the red line boundary.

2. Incorporation of 2x ponds to the landscape scheme; the ponds are now also shown on the revised landscape plans which helps to demonstrate that this is achievable. Final details of pond design, planting, profile etc can be agreed by condition. It has been confirmed that the ponds are now not a requirement of the drainage or SUDS scheme and can be designed provide wildlife habitat as their primary function. There is a population of Great crested newt (GCN) nearby. This is a species that can benefit from the availability of multiple ponds. Given the vulnerability of the nearby GCN population, this provision has the potential to provide a genuine ecological benefit at the site.

3. A biodiversity net gain calculation is included. The scheme is considered to avoid net loss and provide a net gain for biodiversity.
4. A habitat management plan is provided to form the basis of a LEMP.

These revisions to the previously proposed ecological mitigation and compensation measures provide added confidence that the scheme can be considered to be ecologically acceptable.

It should be noted that the previous appeal was dismissed due to the failure to secure the ongoing management of the ecological mitigation and compensation measures as the land was outside of the red line and not secured via a legal agreement. However, no issue was taken with the proposed scheme itself. The current application overcome this issue through the extension of the red line to include the relevant land and through the offer of a s106 legal agreement to ensure the management of the land in perpetuity.

In terms of whether material considerations are demonstrated sufficiently to outweigh the ecological value of this area of SNCI, this is considered in the planning balance section below.

8. TREES AND WOODLAND

Whilst there are no mature trees inside the red line of the application site, there are a number of significant mature trees immediately adjacent to it along the north-east boundary. This row of trees is situated at the entrance to Cotswold View and provides an important screening function for the site in both near and long views of the site (see landscape section above).

In addition to the north eastern row of trees, there are two London Plane street trees located along the Hollow frontage of the site. The proposed development involves a small amount of excavation within the root protection area of one of these street trees. However, the results of a trial pit undertaken by the applicant have indicated that there are unlikely to be any significant roots affected by the proposals in this location.

The Council's Arboriculturalist is satisfied that the submitted arboricultural method statement contains measures to minimise any impact upon these trees, subject to appropriate planning conditions.

Additional concern has been raised by third parties about the potential loss of these trees as a result of the revised traffic calming measures. This concern arising from a recommendation in the road safety audit which advises the removal of these trees. However, the designer's response is clear that there are no proposals to remove the street trees and that appropriate visibility can be achieved with the trees in place provided they are well maintained.

9. SURFACE WATER DRAINAGE

A drainage strategy has been submitted with the application. This explores the use of soakaways for dealing with surface water but rules it out due to the moderate landslide hazard on the site. The proposal is therefore to connect to the existing public sewer network located in the adjacent field to the north. Attenuation will be provided via oversized pipes to reduce the discharge rates.

The foul water drainage system will connect into the existing Wessex Water public foul sewer located within The Hollow, just to the south of the site.

The proposed drainage strategy has been reviewed by the Drainage and Flood Risk Team who consider it acceptable. The proposals are therefore considered to comply with policies SU1 and PCS7A in relation to surfaces and foul water drainage.

10. ARCHAEOLOGY

The proposed development is situated to the south of the suggested line of a Roman Road, which appears as a straight track on the 1839 Twerton tithe and 1885 Ordnance Survey maps. This track forms the northern boundary of the field containing the application area. It is suggested that the Roman road runs from Bath, via a ferry crossing of the River Avon (east of Twerton) and continues south towards an area at Whiteway where Roman burials and occupation evidence have been found.

The application area is covered by a geophysical survey carried out in 2014. Unfortunately, the results in the area of this revised application, were affected by ferrous objects and fencing. The Heritage Statement (Heritage Places 2019) submitted as part of the application has established 'The Hollow' was 'once deep, historic lane cutting through open farmland', which was infilled in 1929. The disturbance along the southwest boundary may therefore be attributed to this. However, the geophysical survey report concludes that the 'strong nature of these anomalies could be masking weaker archaeological anomalies'.

The Council's Archaeologists have therefore raised no objection to the proposal, subject to a field evaluation of the site, a programme of archaeological works/mitigation and publication of the results. These matters can be secured by condition.

11. CONTAMINATED LAND

The Contaminated Land Officer has reviewed previous proposals for residential development on this site and has raised no objection. However, due to the sensitive nature of the proposed development (i.e. residential), they have advised that the model planning conditions requiring site characterisation, submission/implementation of a remediation scheme, reporting of unexpected contamination and long term monitoring and maintenance are applied to any permission granted.

12. SUSTAINABLE CONSTRUCTION

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. This includes the following:

- o Maximising energy efficiency
- o Minimisation of waste
- o Conserving water resources
- o Efficiency in material use
- o Flexibility and adaptability
- o Consideration of climate change adaptation

The Council's Sustainable Construction Checklist has been completed and submitted with the application. This indicates the main points of the scheme's energy strategy which are:

- o Orientation of the blocks facing N-S to maximise solar gain
- o Terrace form giving a low form factor for heat loss
- o Solar PV to be fitted to the South roof pitches
- o High energy performance materials (lower U values than Part L)
- o Low energy lighting
- o High efficiency combi-boilers
- o Good airtightness, but with natural ventilation strategy

SAP calculations submitted in support of the application demonstrate that these measures will result in a 26.2% reduction in carbon emissions compared to the baseline emissions.

Policy SR5 requires all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day and to provide a scheme of rainwater harvesting for the potential residents.

The submitted checklist the proposals will meet these requirements through the use of low flow fittings and low volume sanitary ware alongside a scheme for rainwater harvesting.

13. OTHER MATTERS

Concern has also been raised about the potential for the development to set a precedent for incremental development encroaching into the hillside. Any future proposals for development would require planning permission in their own right and would therefore need to be judged upon their own merits.

Furthermore, any future development extending into the hillside would need to be served by a road built to an adoptable standard. The gap between the proposed terrace dwellings is not sufficiently wide to accommodate a road to adoptable standards and this restricts the opportunities for providing access to further development through the application site.

14. 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 proposals provide 9 new family dwellings which contribute towards meeting the housing objectives of policies DW1 and B1. The new dwellings are located inside the existing urban area in a location which can be considered broadly sustainable. This is afforded significant weight.

Economic benefits

The proposals will provide additional jobs and boost to the local economy during the construction of the proposals. Whilst this is a temporary benefit only, it is still afforded some modest weight

The proposals will also be liable for payment of the community infrastructure levy (CIL). This levy can be spent on local infrastructure identified on the Council's regulation 123 list. The limited scale of the development means that these benefits only carry moderate weight

Sustainability, climate change and biodiversity

The site is located in an existing residential area, with good access to services and facilities and is therefore considered to be a sustainable site for homes.

The proposals would provide a 26% reduction in carbon emissions, exceeding the target set out in policy CP2 and the sustainable construction SPD.

Additionally, the proposals will also ensure long term enhancement and maintenance of the landscaped areas of the site and the adjacent field for ecological benefit, with a particular benefit to Great Crested Newts.

15. PLANNING BALANCE

Loss of SNCI vs material considerations

As discussed above, policy NE3 of the Placemaking Plan requires that material considerations are sufficient to outweigh the loss of part of the SNCI.

In this case, it is considered that the area of SNCI lost is relatively small and the proposals provide adequate levels of compensation and mitigation. The proposals provide biodiversity net gain and are not considered to undermine the wider SNCI designation.

Against, this loss are the public benefits of the proposal are considered carry greater weight. The public benefits are therefore considered sufficient to outweigh the loss of this part of the SNCI and the proposal complies with policy NE3 of the Placemaking Plan.

Heritage Balance

In accordance with paragraph 202, less than substantial harm to a heritage asset should be weighed against the public benefits of the proposals. In this balancing exercise, paragraph 199 requires that great weight should be given to the asset's conservation.

In striking this balance, the comments of the previous appeal Inspector are relevant:

The Framework requires great weight to be given to both the harm to the OUV of the WHS, and the benefits of developing a suitable site for homes. This results in the relative considerations of harm and benefit being finely balanced. However, I conclude that the public benefits of providing nine houses on a suitable site, in accordance with the housing strategy of the development plan, and the accompanying economic benefits outweigh the very limited harm that I have found to the significance of the WHS.

There have been no significant changes to the proposals or the context which suggest that a departure from the Inspector's conclusion is justified. It is therefore considered that the public benefits of the proposal outweigh the less than substantial harm to the World Heritage Site. The proposal therefore complies with policies B4 and HE1 of the Core Strategy and Placemaking Plan.

20. CONCLUSION

In conclusion, the proposals are a resubmission of the previous appeal scheme which was only refused due to a failure to secure the ecological mitigation/compensation measures. This has now been addressed through the extended red line boundary and the offer of a legal agreement.

The revised highways proposals are acceptable and the amendments to the landscape scheme are an improvement of the previous proposals.

All other matters were previously considered acceptable by the Planning Inspector, including that the public benefits of the proposal would outweigh the very limited harm to the World Heritage Site and that the proposals would be of an acceptable design. There has been no significant material change of circumstances which would suggest that a deviation from these conclusions is justified.

The proposals are therefore considered to comply with the Development Plan and, in accordance with paragraph 11 of the NPPF, should be approved without delay.

RECOMMENDATION

PERMIT

CONDITIONS

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

a) the long term safeguarding and wildlife conservation management of the area of land to the north of the development site (as shown on the soft landscape plan 1380-02-

P9) and the long term management of any other ecological measures approved / required by condition (off site or within the development site)

b) production of an Ecological Management Plan for the above land, and its implementation thereafter

c) legal and financial / resourcing responsibilities for the land and its maintenance, and long term retention and enhancement of its ecological value

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

1 Standard Time Limit (Compliance)

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

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

2 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust, noise and site lighting

The construction of 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 policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

3 Construction and Environmental Management Plan - Ecology (Pre-commencement)

No development shall commence (including ground works, vegetation clearance, drainage installation or other excavations) until a Construction Environmental management plan for Ecology (CEMP: Ecology) has been submitted to and approved in writing by the local planning authority. The CEMP (Ecology) shall include:

1. a plan showing exclusion zones within which there shall be no excavation, vehicle or heavy machinery access, storage of materials, vegetation removal, or disposal of earth or other materials, and specifications for fencing of exclusion zones;
2. proposed update surveys and pre-commencement checks of the site for protected species, and proposed pre-commencement notification of the findings of these to the LPA Ecologist, along with proposals to address further mitigation requirements arising, as applicable;
3. details of proposed ecological supervision and precautionary working methods;
4. findings of completed reptile surveys;
5. Method statement/s as applicable for avoidance of harm to badger, reptiles, hedgehog, nesting birds and all other wildlife, as applicable;
6. method statement for avoidance of harm to great crested newt and its habitat;
7. details and specifications of all necessary measures to avoid or reduce ecological impacts of excavation and during site clearance and construction;

The approved CEMP shall be adhered to and implemented throughout site preparation and construction phases and works shall be implemented only in strict accordance with the approved details.

Reason: To avoid harm to wildlife including protected species (badger, great crested newt and reptiles) and retained habitats, before and during construction in accordance with policy NE3 of the Placemaking Plan. N.B. 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.

4 Wildlife Mitigation, Compensation and Enhancement Scheme (Pre-commencement)

No occupation shall take place until full details of a Wildlife Mitigation, Compensation and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details and proposed landscaping shall be broadly in accordance with but not limited to the proposals described in the approved Ecological Appraisal dated November 2019 (Ethos Ltd), the Update Ecological Assessment (March 21 Ethos Ltd) and shall include:

1. Scale plans and sections showing specifications profiles and detailed design and planting for a minimum of 2x new ponds which shall provide suitable habitat and aquatic conditions for great crested newt;
2. Detailed proposals for ecological and protected species mitigation and enhancement including implementation of the wildlife mitigation measures and recommendations of the approved ecological report; wildlife-friendly planting and soft landscape details; provision of bat and birdboxes; proposed specifications numbers materials and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps at intervals in boundary fences to allow continued movement of wildlife;

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Placemaking Plan. N.B. The above condition is required to be pre-commencement as it involves approval of measures to ensure appropriate mitigation and compensation of wildlife that may be otherwise harmed during site preparation and construction phases.

5 Archaeological Landscape Characterisation Assessment (Pre-commencement)

No development shall commence, until the applicant, or their agents or successors in title, has secured the implementation and preparation of a historic landscape assessment in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The assessment 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 landscape interest and HLCAs of this type are increasingly being lost without record to development and the Council wish it to be recorded prior to development in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a pre-commencement condition because significant archaeological may otherwise be damaged or destroyed during initial site works.

6 Arboricultural Method Statement (Pre-commencement)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement by Hillside Trees Ltd dated August 2019 revision C. A programme of site visits by the appointed Arboriculturalist shall be submitted to the Local Planning Authority prior to commencement of any development. The tree protection measures shall be monitored by the appointed Arboriculturalist and site visit records shall be provided to the Local Planning Authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development in accordance with policy NE6 of the Placemaking Plan. This is a pre-commencement condition because significant trees may otherwise be harmed by initial site works.

7 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.

8 External Lighting (Bespoke Trigger)

No new external 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 and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

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

9 Follow-up report - Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist (licensed bat worker) confirming and demonstrating, using photographs, implementation and completion of all approved measures within the CEMP and the Wildlife Mitigation, Compensation and Enhancement Scheme, and light spill avoidance measures, in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the compliance with all approved ecological mitigation and compensation and light spill containment 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 Placemaking Plan.

10 Landscape and Ecological Management Plan (Pre-occupation)

Prior to occupation of any part of the development full details of a Landscape and Ecological

Management Plan shall be submitted to and approved in writing by the local planning authority. These details shall be in accordance with, but not limited to, the approved Habitat Management Plan and shall include:

1. A list of long-term ecological and landscape aims and objectives, to include species- and habitat- specific objectives;
2. Proposed management practices to meet the stated aims and objectives;
3. Locations and boundaries of proposed management practices shall be shown on a plan;
4. Details, as applicable, of proposed timing, frequency, methods and equipment for proposed management practices;
5. Proposed monitoring of habitat quality, species, and of implementation and success of management practices;
6. Proposed responsibility for monitoring, remediation where applicable, and ongoing review, reporting and updating of the Plan;

7. Proposed continuation strategy for implementation of the LEMP beyond the minimum 30 year period.

All works within the scheme shall thereafter be carried out in accordance with the approved details for a minimum of 30 years and the area subject to the LEMP shall be retained for the lifetime of the development for the purpose of providing wildlife habitat.

Reason: In the interests of securing long term visual amenity and biodiversity benefit and policy NE3 of the Placemaking Plan.

11 Arboriculture - Signed Certificate of Compliance (Pre-occupation)

No occupation of the development shall commence until a signed certificate of compliance with the Arboricultural Method Statement and tree protection plan, including all site visit records, by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority

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 and to ensure that the approved method statement is complied with for the duration of the development.

12 Sustainable Construction Checklist (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 for approval to the Local Planning Authority together with the further documentation listed below:

1. Table 2.1 Energy Strategy (including detail of renewables)
2. Table 2.2 Proposals with more than one building type (if relevant)
3. Table 2.4 (Calculations);
4. Building Regulations Part L post-completion documents for energy efficiency;
5. Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

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).

13 Site Access (Pre-occupation)

No occupation of the development shall commence until the access arrangement shown on submitted plan reference 2129/03 Revision D, (or a variation agreed by the Local Planning Authority) has been provided.

Reason: To ensure safe access to and from the site in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

14 Cycle Parking (Pre-occupation)

No occupation of the development shall commence until a secure, covered cycle parking for a minimum of two bicycles per unit has been provided in accordance with details to be

submitted to and approved in writing to the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

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

15 Residents Welcome Pack (Pre-occupation)

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, car share, car club information etc., to encourage residents to try public transport.

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

16 Road Safety Audit (Pre-occupation)

No occupation of the approved development shall commence until the constructed highway works have been the subject of a Stage 3 and Stage 4 Road Safety Audit (RSA) which will be undertaken in accordance with the requirements of GG119. Both audit briefs 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 Avon and Somerset police shall be invited to attend the daytime and night-time Stage 3 RSA site visits in the role of observer.

Reason: In the interest of highway safety amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

17 Highway Works (Compliance)

No occupation of the development shall commence until the highway works shown on drawing number 2129/03 Revision D, (or a variation agreed by the planning authority) has been provided.

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.

18 Dwelling Access (Compliance)

None of the residential dwellings shall be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.

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.

19 Parking (Compliance)

No occupation of the development shall commence until 16 parking spaces have been provided on-site and should be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

20 Plans List (Compliance)

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

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

PLANS LIST:

1 2129 03D REVISED TRAFFIC CALMING SCHEME-SHEET 1 OF 2
2129 03D REVISED TRAFFIC CALMING SCHEME-SHEET 2 OF 2
1380-02-P9 REVISED SOFT LANDSCAPING PLAN
074A PROPOSED ELEVATIONS
073A PROPOSED ELEVATIONS
072A PROPOSED ELEVATIONS
071A PROPOSED FLOOR PLANS
070C SITE PLAN

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.

INFORMATIVES

Local Highway Authority Require Legal Agreement (Section 278)

The LHA requires the developer to enter into legally binding Section 278 Agreement covering the construction of the new vehicular access to the development site, the revisions of the current traffic calming scheme on The Hollow, including the associated highway signage and carriageway markings, and the cost of the required Traffic Regulation Order (TRO) together with implementation costs. Further information in this respect may be obtained by contacting the LHA.

Section 184 License

The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk to secure a licence under Section 184 of the Highways Act 1980 for the creation of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

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 - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

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

The application relates to a plot of land accessed via the Midsomer Norton Enterprise Park. The site is located within the residential area of Midsomer Norton.

The application seeks consent for the erection of storage containers, support infrastructure and security fence for Battery Energy Storage facility.

Relevant Planning History:

- o 19/04085/FUL - PERMIT - Erection of standby gas generator plant and associated infrastructure.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Midsomer Norton Town Council

No comment.

Environmental Protection

No objection.

Ecology

No objection subject to conditions.

Arboriculture

No objection subject to conditions.

Highways

No objection subject to conditions.

Avon and Somerset Police

No objection subject to comments.

Representations Received:

28 supporting comments have been received. In summary the following comments have been made:

- o Heartened to see that Conrad Energy have taken on board the imperative to provide supportive structure for renewables.
- o The permitted gas-powered plant on this site would have been catastrophic for local air pollution and carbon emissions, particularly in the current climate and ecological emergency.
- o Infrastructure for a battery storage unit is a much better option. Energy storage is an important part of our transition to 100% renewable energy.

- o It is appropriate for the location and is in line with supporting renewable energy in the UK.
- o Until a greener technology becomes viable battery power is the obvious solution.
- o Would prefer a power station was not going to be built near residential properties but understand grid capacity is a big problem.
- o This kind of storage is necessary to back up intermittent generation capacity from renewables and therefore should be supported.

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:

CP2: Sustainable Construction
 CP5: Flood Risk Management
 CP6: Environmental Quality
 DW1: District-wide spatial Strategy

Placemaking Plan:

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

CP3: Renewable Energy
 D1: General Urban Design Principles
 D2: Local Character and Distinctiveness
 D3: Urban Fabric
 D5: Building Design
 D6: Amenity
 D7: Infill and Backland Development
 D8: Lighting
 ED2A: Strategic (*) and Other Primary Industrial Estates
 NE1: Development and Green Infrastructure
 NE3: Sites, Species and Habitats
 NE5: Ecological Networks
 PCS1: Pollution and Nuisance
 PCS2: Noise and Vibration

PCS3: Air Quality
PCS5: Contamination
SCR1: On-site Renewable Energy Requirement
ST7: Transport requirements for managing development
SU1: Sustainable drainage

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The application relates to a plot of land accessed via the Midsomer Norton Enterprise Park. The site is located within the residential area of Midsomer Norton. The application seeks consent for the erection of storage containers, support infrastructure and security fence for Battery Energy Storage facility.

The site and wider surrounding area is undeveloped grass land bound by trees and hedgerow. The site is also set directly adjacent to several industrial units set to the north, east and south. The proposal is a resubmission of permitted Application Reference: 19/04085/FUL which sought the erection of a standby gas generator plant and associated infrastructure.

Principle of Development

The site is located within the residential area of Midsomer Norton and is situated within the Midsomer Norton Enterprise Park. Given the location of the site it is noted that policy ED2A of the Bath Placemaking Plan is of consideration. This policy states that B1c, B2 and B8 uses will be acceptable in principle within these identified industrial estates.

The identification of these areas as Strategic and Other Primary Industrial Sites means that there is a presumption in favour of retaining them for B1c, B2 & B8 uses. There are strong economic reasons why other uses would be inappropriate because of the economic significance of these areas. Applicants seeking to challenge this presumption should provide compelling evidence that circumstances have changed to the extent that there is no reasonable prospect of land or premises being used for the allocated purpose.

As part of the previous submission Reference: 19/04085/FUL an employment land report and assessment of the site under policy ED2A had been submitted. The findings of those report are considered relevant to the current submission. When assessing the current proposal under policy ED2A the following factors are noted:

Viability of developing allocated land for industrial use

The viability assessment of potential alternative employment-based uses/developments produce negative figures when realistic and conservative inputs are used in the illustrative residual appraisals. In policy terms, this is proof of the lack of viability for ongoing industrial or business use.

The level of interest following a marketing period

The site has not been formally marketed in recent years. It has however been available for development for over 20 years. In this time interest from prospective employment use occupiers and developers has been limited.

General market signals of demand across the District and the locality

New conventional employment development is not current viable in the area. This has been demonstrated by the lack of new development within recent years. Within the West of England employment hierarchy, Midsomer Norton serves indigenous local demand and therefore is not able to command rents which would approach the viability tipping point.

The mix of employment, trade, sui generis, retail, roadside and other uses on the Midsomer Enterprise Park and other 'Primary Industrial Estates' is indicative of the uses which are viable in such employment locations.

The availability of alternative premises and land

There is at least 5,773 sqm (62,145 sqft) of industrial and office floor space available in the Midsomer Norton area and c.19 acres of employment land available at the Old Mills site and former Sewage works site, in addition to the Former Welton Bibby site which has consent for over 40,000 sqft of employment floorspace.

Notwithstanding, the use classification of the proposed use, for the foregoing reasons it is considered that the nature, character and operations of the Primary Industrial Estate of Midsomer Enterprise Park would not be affected by the proposed use.

Summary

The application site is vacant, and a battery energy storage facility would not prejudice the sustainability of existing services currently operating from the surrounding industrial premises. Furthermore, the development proposals would indirectly provide support to the local Grid network, thus increasing the viability of employment and residential related development both locally in the enterprise park and in the wider region.

Given the assessment made above there are strong economic reasons why the proposed use would be suitable for this area.

Policy CP3 of the Placemaking Plan for Bath and North East Somerset is also of consideration. This policy states that proposals for low carbon and renewable energy infrastructure, including large-scale freestanding installation will be assessed under national policies and against the following:

- a potential social and economic benefits including local job creation opportunities
- b contribution to significant community benefits
- c the need for secure and reliable energy generation capacity
- d environmental impact (see Policy CP6)

The facility will import excess energy from the grid and store it. The batteries can capture energy that would otherwise be lost. Due to their storage ability, batteries offer opportunities to support the intermittent nature of renewables by storing any excess energy they produce and exporting it back into the grid at times of system stress/demand. Battery Energy Storage is a clean and renewable form of energy development that seeks to ensure that any impact on climate change is minimised.

The proposed use will support the local grid network, thus increasing the viability of employment and residential related development both locally in the enterprise park and in the wider region. The proposed use is a renewable form of energy seeking to minimise climate change impacts. The proposal has been assessed based on character and appearance, ecology and arboriculture impacts. It is considered that the proposal will not give rise to negative impacts regarding these factors.

Given the above the proposal accords with policy CP3, CP6 and ED2A of the Bath and North East Somerset Placemaking Plan. In addition to paragraphs 155 c) and 158 of the National Planning Policy Framework (NPPF).

In addition to the principle of development the following factors are of consideration:

Character and Appearance

The site and wider surrounding area is undeveloped grass land bound by trees and hedgerow. The site is also set directly adjacent to several industrial units set to the north, east and south. Public Rights of Way (PRoW) run to the south and west (Reference: CL24/ 45 and CL24/ 456) the proposed development will not disrupt these routes given the site parameters.

In summary the proposal will present the following:

- o Eight battery system and power conversion containers each 6.1m x 2.4m x 3.05m high;
- o One Control Kiosk - 2.1m x 0.825m x 1.8m
- o Two Transformers 2.054m x 1.976m x 2.676m high;
- o Two inverter units 6.1m x 2.4 x 3.05m high;
- o One Small Amenity Building 9.757m x 3.066m x 3.066m high;
- o Switch room Cabin 5.860mm x 3.860m x 3.259m;
- o One WPD DNO substation 3.6m x 2.5m x 2.250m;
- o Two CCTV Masts 4m tall; and
- o Palisade Fencing - 2.4m tall;
- o Acoustic fencing along the western boundary - 4m tall.

The proposed development is set to provide planting to the west and south. This will screen views of the site from the nearby PRoWs.

As noted above the site is allocated employment land. Given the uses surrounding the proposed development, and the scale of the proposal it is not considered that the proposal will detract from the character and appearance of the surrounding area. Conditions can be

attached to any permission granted to require the implementation of the proposed hard and soft landscaping.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the National Planning Policy Framework (NPPF).

Environmental Protection and Residential Amenity

Given the nature of the proposal the Environmental Protection Team has been consulted and have no comments subject to compliance with the specific sound level stated within the noise assessment dated 23rd February 2021.

The assessment identifies that the proposed development will give rise to rating noise levels that are equivalent to or below the measured background sound level in the area, at the assessed residential receptors, thus giving rise to a Low Impact.

The assessment also identifies that no significant change in ambient sound level at any of the identified receptor locations will be engendered because of the proposed development in its proposed and assessed form and that the amenity of residential receptors will not be compromised.

Comments have also been received from the Designing Out Crime Officers (DOCO) who make recommendations with regards to security. Specifications for padlocks and locking features to the perimeter and storage units. In addition to the use of a perimeter detection system. The comments received can be attached to any permission granted as an informative/ advisory.

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

Ecology

An up-to-date ecological assessment has been submitted (Ellendale Environmental, March 2021).

The findings of the ecological survey and assessment and the proposed planting are broadly accepted and are in line with the previous scheme. The proposed new planting provides sufficient scope for the scheme to avoid a net loss of biodiversity and potentially to provide additional / new benefit for wildlife.

Concerns regarding the degree of risk of occurrence and potential harm to reptiles within the site remain; there is also potential for nesting birds. However, it is considered in this case that these concerns can be addressed by ecological supervision, pre-

commencement checks, precautionary working methods and any other necessary measures arising, which can be secured by condition. The conditions requested for the previous scheme remain applicable with revised wording which has been updated to the current proposal and documents.

Given the assessment made there are no objections to the proposal on the grounds of its direct ecological impacts. The proposal accords with policies NE1, NE3, NE5 and D8 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF subject to suggested conditions.

Arboriculture

The provided tree survey, implications assessment and outline protection method statement identifies that two groups of semi mature willows are proposed for removal to facilitate the development. Tree protection for retained tree groups will be achieved by the installation of palisade fencing around the site boundary.

Provided the tree protection measures contained within the method statement by Tree Maintenance and on tree protection plan 14294/64984 date: 22/02/2021 are strictly adhered to there are no objections.

A planting scheme that identifies the number, species, planting stock size, proposed location and aftercare regime for replacement trees will be required and can be provided through planning condition.

The proposed development will not have an adverse impact on trees which are of significant visual or amenity value. The proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF subject to conditions.

Highways

The site is accessed off Wheeler's Hill which serves the wider Midsomer Norton Enterprise Park.

The submitted information notes that two members of staff will be employed but will not be based at the site permanently. They will, however, visit the site up to three times a week to check the generators and undertake general maintenance. It is anticipated that once operational no more than two transit vans would be required on the site at any one time during the maintenance visits.

The submitted plans detail sufficient space within the site parameters to accommodate two transit vehicles. Highways Development Control have cited no in principle objection to the proposal subject to submission of a construction management plan. It is noted that this can be conditioned as part of any permission granted.

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

Other Matters

The proposed development site is situated within proximity to several potentially contaminative historical uses including colliery and spoil heap, brickworks with clay pits and sewage works. The Contaminated Land Team had been consulted as part of the previous submission Reference: 19/04085/FUL. Within the response received it was noted that there was no objection to the proposal subject to a condition and advisory note applied to any permission granted. Given the nature of the current proposal and location of the site the suggested conditions, an advisory will be attached to any permission granted.

The site is also set within defined Development Low Risk Area for coal mining. The Coal Authority had been consulted as part of the previous submission and noted that there is no requirement under the risk-based approach for a Coal Mining Risk Assessment given the sites location within a defined Development Low Risk Area. However, as with the previous approval it will be necessary to include The Coal Authority's Standing Advice as an advisory note to any permission granted.

Conclusion

Several pre-commencement conditions will be attached to any future permission. In line with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 the agent/ applicant have been made aware of the implementation of such conditions. It is noted that the agent/ applicant are in agreement with the use of such conditions.

Based on the comments made above it is recommended that the application is permitted subject to conditions.

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 Ecological Mitigation and Hard and Soft Landscaping (Pre-completion and pre-operation)

The development hereby approved shall not be completed nor operations commenced until a wildlife-friendly hard and soft landscape scheme designed to incorporate (but not be limited to) all ecological mitigation requirements as described in Sections 5.2 and 5.3 of the approved Preliminary Ecological Assessment dated 8 March 2021 by Ellendale Environmental, and as shown on the approved Planting Plan dated 22nd February 2021, has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; proposed positions of additional measures and features to provide benefits for wildlife including bat and bird boxes and habitat creation; and a programme of implementation and long term maintenance for delivery of habitats of benefit to wildlife. Details shall also be provided of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of ecological mitigation and habitat provision, and an appropriate landscape setting to the development in accordance with Policies NE3, D1, D2 and D4 of the Bath and North East Somerset Placemaking Plan.

4 Follow-up report - Ecology and Landscape scheme (Post completion / Pre-Operational)

The development hereby approved shall not commence operations until a report produced by a suitably experienced professional ecologist confirming and demonstrating, using photographs and based on post-completion site visit, all ecological protection, mitigation and enhancement measures as described in recommendations in Sections 5.2 and 5.3 of the approved Preliminary Ecological Assessment dated 8th March 2021 (Ellendale Environmental), and all measures as shown on the Hard and Soft Landscaping Scheme (that shall have first been submitted to and approved in writing by the LPA as required by condition), are in place and have been completed and implemented fully in accordance with approved details has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the approved ecological mitigation, compensation and enhancement requirements and landscape scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 & NE5 of the Bath and North East Somerset Placemaking Plan.

5 External Lighting (Bespoke Trigger)

No new external 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 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 Placemaking Plan.

6 Wildlife Protection: ecological supervision and precautionary working methods (compliance condition)

No development shall commence until a suitably experienced professional ecologist has been appointed as ecological clerk of works. Works including site clearance and preparation shall thereafter be implemented only in accordance with the recommendations detailed in Section 5.2 of

the approved Preliminary Ecological Assessment dated 8 March 2021 by Ellendale Environmental, and only under ecological supervision and following pre-commencement checks, and using precautionary working methods for avoidance of harm to reptiles and other wildlife, and in

accordance with any further requirements arising as a result of further survey and precommencement checks, as applicable.

Reason: to avoid harm to reptiles and other wildlife in accordance with NPPF and policies NE3 & NE5 of the Bath and North East Somerset Placemaking Plan.

7 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: the proposed route for construction related traffic to and from the application site and Radstock Road; swept path analysis which demonstrates that the proposed route for construction related traffic is suitable for heavy goods vehicles (HGVs) and lorries; details of where HGVs will wait whilst materials are unloaded; and details of the proposed location for the crane together with the length of time for which it will be required. The plan shall also 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.

8 Parking (Compliance)

The areas allocated for parking and turning, as indicated by submitted plan reference 22003_PP_004 Revision F, shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

9 Compliance with Arboricultural Method Statement (Bespoke Trigger)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (Tree Maintenance February 2021) and tree protection plan (14294/64984 date: 22/02/2021). A signed compliance statement shall

be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion and prior to the first occupation of the battery energy site.

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 NE6 of the Placemaking Plan.

10 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 battery energy site becoming operational 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, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

11 Reporting of Unexpected Contamination (Compliance)

In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by soils or materials with unusual colour, odour, texture or containing unexpected foreign material.

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 and 15 of the National Planning Policy Framework.

PLANS LIST:

1 This decision relates to the following plans received 9th July 2021:

Planting Plan

Drawing Number: 22003_LP_002 Rev B - Location Plan

Drawing Number: 2203_MP_01 Rev E - Master Plan

Drawing Number: CEL-STD-AMENS-325 - 20ft Amenity Cabin

Drawing Number: CEL-STD-BATT-334 - Battery RSU

Drawing Number: CEL-STD-CCTV-307 - CCTV Column

Drawing Number: CEL-STD-CTRL-317 - Control Kiosk

Drawing Number: CEL-STD-INV-335 - RIU Inverter

Drawing Number: CEL-STD-PFANDG-308 - Metal Palisade Fence-Gate

Drawing Number: CEL-STD-SW-305 - Switch Room

Drawing Number: CEL-STD-TX-314 - Transformer

Drawing Number: CEL-STD-WPD-303 - WPD Substation

Plan received 17th August 2021:

Drawing Number: 22003-PP-004 REV F - Proposed Site 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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

5 Responding to Climate Change (Informative):

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

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

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

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

7 Advisory Note - Desk Study and Walkover Survey (Informative):

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development.

It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover

survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment will be 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 and 15 of the National Planning Policy Framework.

8 Crime Prevention Through Environmental Design Planning Response (Informative):

Whilst Designing Out Crime Officers (DOCO) have no objections to the proposal there are concerns that there are no security specifications provided for the palisade fencing, the gate locks and the locking arrangements for the container doors. The forced entry of shipping containers is a frequent occurrence in Bath and North East Somerset particularly in locations where there is little or no natural surveillance after dark.

Recommended that the fencing and gates should meet or exceed LPS1175 Issue 8 Security Rating 3.

All padlocks should be Sold Secure Gold Standard closed shackle padlocks with a restricted or registered key section. Additional shrouds should be installed over the locking points to prevent attacks with bolts croppers or battery-operated power tools.

Noted that two CCTV columns are proposed which will be remotely recorded but would recommend that the site is protected by a monitored perimeter detection system linked to a monitored alarm system.

Item No: 04
Application No: 21/02980/LBA
Site Location: Friends Meeting House York Street 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 installation of 4no. hand painted timber signs fixed onto side and front elevations (Resubmission).

Constraints: Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

Applicant: Topping & Company Booksellers Limited

Expiry Date: 23rd September 2021

Case Officer: Caroline Waldron

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

REPORT

Application being reported to committee at request of ward councillors because it is recommended for refusal.

The Friends Meeting House is a significant grade II listed building within the Bath World Heritage Site and the designated Conservation Area. The Meeting House, formerly the Freemasons Hall circa 1817 by William Wilkins in Greek Revival Style has a strong presence in the streetscene.

The current application proposes the installation of signage, comprising four timber boards to advertise the bookshop that will shortly occupy the building.

Two boards would be positioned either side of the new central entrance doors, within the portico facing the street (north elevation) and two further boards on the solid return walls of the portico facing east and west along the street. Each board would measure 1600mm tall by 900mm wide. The colour scheme would be Farrow and Ball Gervase Yellow onto Chinese Blue.

Both the existing north elevation doors at either end of the elevation and the recently approved entrance doors would also be painted Chinese blue.

Planning history

Parallel advertisement regulations application 21/02981/AR also being considered at this committee.

20/04801/LBA and parallel advertisement regulations application reference 20/04802/AR refused due to the impact on the listed building and conservation area.

Reasons 20/04801/LBA

1. The proposed signboards and advertising painted across the frieze would by reason of the number, individual size, positioning and cumulative impact, result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

2. The proposed overpainting of the "Friends Meeting House" name would by concealing key evidence about the buildings historic narrative cause harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Place Making Plan policy HE1, the NPPF and published Historic England advice.

3. The proposed overpainting of the "Friends Meeting House" name with the blue and yellow colour scheme at a prominent high level on the building would disrupt the integrity and harmony of the existing design in a way that causes harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Place Making Plan policy HE1, D2 and D9, the NPPF and published Historic England advice.

Reasons 20/04802/AR

1. The proposed signboards and advertising across the frieze would by reason of the number, individual size, positioning and cumulative impact result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider

streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

2. The proposed overpainting of the "Friends Meeting House" name with the blue and yellow colour scheme at a prominent high level on the building would disrupt the integrity and harmony of the existing design in a way that causes harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Place Making Plan policy HE1, D2 and D9, the NPPF and published Historic England advice.

20/04050/LBA and 20/4049/FUL change of use and associated internal and external alterations to facilitate conversion from place of worship to retail. The external changes include introducing a functioning entrance into what is currently a blind opening within the portico approached by new steps.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Parish Council: NA

Historic England NA

Other representations

Bath Heritage Watchdog objects to this application in its current format.

When determining all applications for new shopfronts and signage they ask that the following guidelines are observed.

- The context, or general setting, of Bath should be understood, respected and reflected in any proposed work to shopfronts.
- Design, materials and workmanship should be of the highest quality.
- Any proposed or altered shopfront should be historically credible.
- House styles which do not meet the requirements of style, lettering, materials and signs are not acceptable. Multiples should be required to adapt their proposals to the special conditions of the city.
- Standard designs of any sort are not acceptable. They should be specifically designed for their context.

They strongly disagree with the statement in the Design and Access Statement that there are no symbols, signage or references to the building's original use as a Masonic Hall visible on any of the external elevations.'. They point out that the blind doorway is (was) the most obvious sign of a masonic hall ('the road to enlightenment is not always obvious'), the side elevations retain their cast iron rainwater heads with Masonic devices, the east/west orientation and subordinate doorways enabling entrance from the west also signify a masonic hall.

They welcome the retention of the portico frieze and the proposed use of freestanding signage within the demise of the building during opening hours. There should be a caveat in this in that the use of flag signs and anything illuminated cannot be supported.

They support the amended the signage to the external elevations of the portico

The signage inside the portico is not not necessary as it was the opening of the blind doorway was required to serve as an obvious entrance. Whilst the two signs maintain symmetry, they say the same thing and do not really serve any purpose.

There is ample room in the portico for bespoke freestanding signage and this , which would allow the building to be appreciated out of hours without the signs.

The works as proposed are considered to be detrimental to the special architectural and historic character and interest of the listed building, adjacent listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 'Conserving & Enhancing the Historic Environment of the NPPF and Policies DW1, CP6, D1, D2, D3, D9, D10, and HE1 of the Core Strategy and Placemaking Plan and should be revised or else refused in its current format.

POLICIES/LEGISLATION

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

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

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

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

The statutory Development Plan for B&NES comprises:

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

Core Strategy:

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

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

Placemaking Plan:

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

- HE1 Historic Environment
- D2 Local character and distinctiveness
- D9 Advertisements and outdoor street furniture
- Historic Environment Good Practice Advice in Planning Notes issued by Historic England

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 Friends Meeting House, a Grade II listed building sits within the Bath World Heritage Site and the heart of the designated conservation area, in close proximity to the Roman Baths and the Abbey.

It was built circa 1817 - 1819 in Greek-Revival style as a Freemasons' Hall, designed by William Wilkins. The portico contains a symbolically blind doorway with functional flanking entrances. The interior great hall is lit by two circular glazed lanterns.

The building proved to be too expensive for the freemasons to maintain and it was then used as an assembly room and non-conformist chapel in the 1830's until it was leased as the Bethesda Chapel in 1842 (the date on the portico). The windows on the front elevation were originally blind but were opened during the use as an assembly room and non-conformist chapel. The Religious Society of Friends (The Quakers) took over the building in 1866.

Planning permission and listed building consent for a change of use to retail (bookshop) and associated alterations has recently been granted. The scheme of work is interventionist and includes replacing the symbolic blind central opening with functioning doors approached by new generously proportioned steps. This will in itself signal a change in the use of the building and welcome people in. During opening hours the doors

will be left and open and the interior protected by sliding glass doors which could incorporate advertising as manifestation.

There is no objection to the principle of introducing new signage to the exterior of the building. The policy context for considering proposals is Place Making Plan policies D9, D2 and HE1. Policy HE1 deals broadly with protecting all aspects of the historic environment. Alterations to listed buildings are expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. Within conservation areas development will only be permitted that preserves or enhances those elements which contribute to special character or appearance. Design policy D2 protects local character and distinctiveness. Policy D9 deals specifically with advertising and states that signs should be kept to a minimum with usually only one advertisement on each principal frontage. It then goes on to list a number of criteria against which suitability will be judged, including local street character/position/proportionate size/colour/materials and fixings. The council has also published guidance in 2016 titled "Commercial signage and table and chairs on the highway" which explores the issue in greater detail. However the Meeting House does not have a conventional "shopfront" and the guidance cannot readily be applied. However the high quality design and execution of the Meeting House and the monumental nature of the architecture forms a landmark building in the historic street scene which demands an exemplary and bespoke approach to the design and positioning of any signage.

The previous proposal to paint the bookshop name across the existing "Friends Meeting House" name which would have caused harm to the significance of the listed building contrary to Place Making Plan policy HE1 and the NPPF is not included in the current application. Instead the name will be left as it is which addresses reasons for refusal 2 and 3 of 20/04801/LBA and reason 2 of 20/04802/AR.

The other painted timber signboards to be fixed to the outside and inside of the portico have been reduced in size from 2100mm tall by 1020mm wide to 1600mm tall by 900mm. However despite this reduction they would still be large and visually intrusive, dominating and detracting from the design and architectural presence of the Meeting House and impinging detrimentally into the wider streetscene. The overall result would harm the significance of the listed building and the wider character of the conservation area contrary to Place Making Plan policies HE1, D9 and D2.

The existing bookshop frequently advertises temporary events such as book signing. The Design, Access and Heritage Statement page 7 refers to temporary moveable signs being used for this purpose at the Meeting House although no details have been provided. Whilst such signs will not require listed building consent they may still require advertisement consent.

During the processing of these applications the case officer was alerted to a safety issue with the drop to either side of the entrance doors. It would be possible to deliver highly visible signage and guard the drop by designing "railings" incorporating advertising. These railings could be held in place in sockets in the flags allowing them to be deployed during business hours and removed inside the building when the shop is closed.

Council officers have engaged proactively with the scheme architect and put forward a number of ideas for discussion to achieve a more sensitive and creative solution. These have included;

1. Replace fixed signage within portico with well designed freestanding signs that can be taken in at the close of trading each day. Incorporate flexible advertising opportunities such as author book signings into the design to avoid later proliferation of signs.
2. Using the symbol of the book(s) more creatively - straddling the areas of advertising and a more public art approach to signal that the building is now being used as a bookshop.
3. There is a small raised paved area in front of the right hand door where it might be possible to site freestanding business hours advertising without compromising the fire escape.

The applicant has declined to negotiate in regard of the current proposals and the application must be determined on the basis of the submitted drawings.

In determining this application the council are placed under two statutory duties, 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 and to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. These duties are reflected in paragraph 199 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight must always be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.

In this case, in the words of the NPPF the harm is considered to sit in lower half of the less than substantial category. Where the level of harm falls into the less than substantial category paragraph 202 of the Framework is engaged which states that less than substantial harm, should be weighed against the public benefits of the proposal, including securing its optimum viable use. Although, the change to a bookshop will bring the building into beneficial use, this benefit is not outweighed by the level of harm that the signage as proposed would inflict longterm on the heritage asset. This is particularly the case where other viable but less harmful design solutions exist to effectively advertise the business and secure the benefit.

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 as identified, and these have been fully taken into account in the recommendation made.

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

signage will harm the significance of the listed building and is for this reason is recommended for refusal.

There is a duty 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 the signage will harm the character of the conservation area and for this reason is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed signboards would by reason of the number, individual size, positioning and cumulative impact, result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

PLANS LIST:

1 125 3116 P5, 125 3122 P3, 125 1001 P1 dated 24 June 2021.

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

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

Item No: 05
Application No: 21/02981/AR
Site Location: Friends Meeting House York Street 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: Advertisement Consent

Proposal: External alterations for the installation of 4no. hand painted timber signs fixed onto side and front elevations (Resubmission).

Constraints: Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

Applicant: Topping & Company Booksellers Limited

Expiry Date: 23rd September 2021

Case Officer: Caroline Waldron

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

REPORT

Application being reported to committee at request of ward councillor because it is recommended for refusal.

The Friends Meeting House is a significant grade II listed building within the Bath World Heritage Site and the designated Conservation Area. The Meeting House, formerly the Freemasons Hall circa 1817 by William Wilkins in Greek Revival Style has a strong presence in the streetscene.

The current application proposes the installation of signage, comprising four timber boards to advertise the bookshop that will shortly occupy the building.

Two boards would be positioned either side of the new central entrance doors, within the portico facing the street (north elevation) and two further boards on the solid return walls of the portico facing east and west along the street. Each board would measure 1600mm tall by 900mm wide. The colour scheme would be Farrow and Ball Gervase Yellow onto Chinese Blue.

Both the existing north elevation doors at either end of the elevation and the recently approved entrance doors would also be painted Chinese blue.

Planning history

Parallel listed building consent application 21/02980/LBA also under consideration at this committee.

20/04801/LBA and parallel advertisement regulations application reference 20/04802/AR refused due to the impact on the listed building and conservation area.

Reasons 20/04801/LBA

1. The proposed signboards and advertising painted across the frieze would by reason of the number, individual size, positioning and cumulative impact, result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

2. The proposed overpainting of the "Friends Meeting House" name would by concealing key evidence about the buildings historic narrative cause harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Place Making Plan policy HE1, the NPPF and published Historic England advice.

3. The proposed overpainting of the "Friends Meeting House" name with the blue and yellow colour scheme at a prominent high level on the building would disrupt the integrity and harmony of the existing design in a way that causes harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Place Making Plan policy HE1, D2 and D9, the NPPF and published Historic England advice.

Reasons 20/04802/AR

1. The proposed signboards and advertising across the frieze would by reason of the number, individual size, positioning and cumulative impact result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider

streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

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20/04050/LBA and 20/4049/FUL change of use and associated internal and external alterations to facilitate conversion from place of worship to retail. The external changes include introducing a functioning entrance into what is currently a blind opening within the portico approached by new steps.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Parish Council: NA

Historic England NA

Other representations

Bath Heritage Watchdog objects to this application in its current format.

When determining all applications for new shopfronts and signage they ask that the following guidelines are observed.

- The context, or general setting, of Bath should be understood, respected and reflected in any proposed work to shopfronts.
- Design, materials and workmanship should be of the highest quality.
- Any proposed or altered shopfront should be historically credible.
- House styles which do not meet the requirements of style, lettering, materials and signs are not acceptable. Multiples should be required to adapt their proposals to the special conditions of the city.
- Standard designs of any sort are not acceptable. They should be specifically designed for their context.

They strongly disagree with the statement in the Design and Access Statement that there are no symbols, signage or references to the building's original use as a Masonic Hall visible on any of the external elevations.'. They point out that the blind doorway is (was) the most obvious sign of a masonic hall ('the road to enlightenment is not always obvious'), the side elevations retain their cast iron rainwater heads with Masonic devices, the east/west orientation and subordinate doorways enabling entrance from the west also signify a masonic hall.

They welcome the retention of the portico frieze and the proposed use of freestanding signage within the demise of the building during opening hours. There should be a caveat in this in that the use of flag signs and anything illuminated cannot be supported.

They support the amended the signage to the external elevations of the portico

The signage inside the portico is not necessary as it was the opening of the blind doorway was required to serve as an obvious entrance. Whilst the two signs maintain symmetry, they say the same thing and do not really serve any purpose.

There is ample room in the portico for bespoke freestanding signage and this , which would allow the building to be appreciated out of hours without the signs.

The works as proposed are considered to be detrimental to the special architectural and historic character and interest of the listed building, adjacent listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 'Conserving & Enhancing the Historic Environment of the NPPF and Policies DW1, CP6, D1, D2, D3, D9, D10, and HE1 of the Core Strategy and Placemaking Plan and should be revised or else refused in its current format.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE STRATEGY POLICIES

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

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

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:

- HE1 Historic Environment
- D2 Local character and distinctiveness
- D9 Advertisements and outdoor street furniture

Commercial signage and tables and chairs on the highway, Design and Conservation Guidance, July 2016

National Planning Policy Framework (2021) and the National Planning Practice Guidance can be awarded significant weight.

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The National Planning Policy Framework, paragraph 136 states that the quality and character of places can suffer when advertisements are poorly sited and designed.. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact. Accordingly advertisements will be assessed with regard to visual amenity, cumulative impact, and public safety.

Highways confirmed in connection with the previous applications that as the proposed signs will not overhang the public highway they have no objection. The signs are not considered to cause any other public safety issues and the rest of this report will therefore focus on the issue of visual amenity. In practice amenity should be regarded as the effect on visual amenity in the immediate neighbourhood of the advertisement. The key consideration is whether the signage is in scale and keeping with the local characteristics of the neighbourhood such as scenic, historic, architectural or cultural features.

Other material considerations regarding the impact of the works solely on the significance of the listed building have been considered through the parallel listed building consent application 21/02980/LBA.

The Friends Meeting House a Grade II listed building sits within the Bath World Heritage Site and the heart of the designated conservation area, in close proximity to the Roman Baths and the Abbey.

It was built circa 1817 - 1819 in Greek-Revival style as a Freemasons' Hall, designed by William Wilkins. The portico contains a symbolically blind doorway with functional flanking entrances. The interior great hall is lit by two circular glazed lanterns.

The building proved to be too expensive for the freemasons to maintain and it was then used as an assembly room and non-conformist chapel in the 1830's until it was leased as the Bethesda Chapel in 1842 (the date on the portico). The windows on the front elevation were originally blind but were opened during the use as an assembly room and non-conformist chapel. The Religious Society of Friends (The Quakers) took over the building in 1866.

Planning permission and listed building consent for a change of use to retail (bookshop) and associated alterations has recently been granted. The scheme of work is interventionist and includes replacing the symbolic blind central opening with functioning doors approached by new generously proportioned steps. This will in itself signal a change in the use of the building and welcome people in. During opening hours the doors will be left and open and the interior will be protected by sliding glass doors which could incorporate advertising as manifestation.

There is no objection to the principle of introducing new signage to the exterior of the building. The policy context for considering proposals is Place Making Plan policies D9, D2 and HE1. Policy HE1 deals broadly with protecting all aspects of the historic environment. Alterations to listed buildings are expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. Within conservation areas development will only be permitted that preserves or enhances those elements which contribute to special character or appearance. Design policy D2 protects local character and distinctiveness. Policy D9 deals specifically with advertising and states that signs should be kept to a minimum with usually only one advertisement on each principal frontage. It then goes on to list a number of criteria against which suitability will be judged, including local street character/position/proportionate size/colour/materials and fixings. The council has also published guidance in 2016 titled "Commercial signage and table and chairs on the highway" which explores the issue in greater detail. However the Meeting House does not have a conventional "shopfront" and the guidance cannot readily be applied. However the high quality design and execution of the Meeting House and the monumental nature of the architecture forms a landmark building in the historic street scene which demands an exemplary and bespoke approach to the design and positioning of any signage.

The previous proposal to paint the bookshop name across the existing "Friends Meeting House" name which would have caused harm to the significance of the listed building contrary to Place Making Plan policy HE1 and the NPPF is not included in the current application. Instead the name will be left as it is which addresses reasons for refusal 2 and 3 of 20/04801/LBA and reason 2 of 20/04802/AR.

The other painted timber signboards to be fixed to the outside and inside of the portico have been reduced in size from 2100mm tall by 1020mm wide to 1600mm tall by 900mm. However despite this reduction they would still be large and visually intrusive, dominating and detracting from the design and architectural presence of the Meeting House and impinging detrimentally into the wider streetscene. The overall result would harm the significance of the listed building and the wider character of the conservation area contrary to Place Making Plan policies HE1, D9 and D2.

The existing bookshop frequently advertises temporary events such as book signing. The Design, Access and Heritage Statement page 7 refers to temporary moveable signs

being used for this purpose at the Meeting House although no details have been provided. Whilst such signs will not require listed building consent they may still require advertisement consent.

During the processing of these applications the case officer was alerted to a safety issue with the drop to either side of the entrance doors. It would be possible to deliver highly visible signage and guard the drop by designing "railings" incorporating advertising. These railings could be held in place in sockets in the flags allowing them to be deployed during business hours and removed inside the building when the shop is closed.

Council officers have engaged proactively with the scheme architect and put forward a number of ideas for discussion to achieve a more sensitive and creative solution that would still effectively advertise the business. These have included;

1. Replace fixed signage within portico with well designed freestanding signs that can be taken in at the close of trading each day. Incorporate flexible advertising opportunities such as author book signings into the design to avoid later proliferation of signs.
2. Using the symbol of the book(s) more creatively - straddling the areas of advertising and a more public art approach to signal that the building is now being used as a bookshop.
3. There is a small raised paved area in front of the right hand door where it might be possible to site freestanding business hours advertising without compromising the fire escape.

The applicant has declined to negotiate in relation to the current proposals and the application must be determined on the basis of the submitted drawings.

There is a duty 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 the signage will harm the character of the conservation area and for this reason is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed signboards and advertising across the frieze would by reason of the number, individual size, positioning and cumulative impact result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

PLANS LIST:

1 125 3116 P5, 125 3122 P3, 125 1001 P1 dated 24 June 2021.

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

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

Item No: 06
Application No: 21/02883/FUL
Site Location: Hunters Quest Iford Close Saltford Bristol Bath And North East Somerset



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor Duncan Hounsell Councillor Alastair Singleton
Application Type: Full Application
Proposal: Demolition of existing bungalow and erection of 2no semi detached houses/garages and 1no flat with associated parking, landscaping and widened access.
Constraints: Agricultural Land Classification, Policy CP9 Affordable Housing Zones, Housing Development Boundary, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: The Urban Reno Company
Expiry Date: 19th August 2021
Case Officer: Samantha Mason
To view the case click on the link [here](#).

REPORT

Reason for Committee:

The officer recommends refusal, the parish council support the scheme, and the local ward councillors has requested it be heard at committee in event that the recommendation is to refuse.

The application was recommended to the Chair, who stated in her decision; 'I have reviewed this application and note that it is supported by both the ward councillor and Saltford Parish Council (subject to conditions). The balance to strike is between the impact of this design on the local context and the potential for an addition to the local housing mix

(the reason for the ward councillors support). I believe that it would be useful to have this debated in the public forum of the committee.'

Description:

The application refers to the site of an existing bungalow within the Saltford Housing Development Boundary.

Planning permission is sought for the demolition of the existing bungalow and erection of 2no semidetached houses/garages and 1no flat with associated parking, landscaping and widened access.

Relevant Planning History:

DC - 20/01032/FUL - PERMIT - 15 June 2020 - Erection of 2no. semi detached houses and garages with associated parking and landscaping following demolition of existing bungalow.

DC - 20/02494/COND - SPLIT - 12 August 2020 - Discharge of condition 4, 5, 7, 8, 9 and 12 of application 20/01032/FUL (Erection of 2no. semi detached houses and garages with associated parking and landscaping following demolition of existing bungalow)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

SALTFORD PARISH COUNCIL:

7 July: Subject to the applicant successfully gaining possessory title for the small parcel of land by the site's access in Iford Close, Saltford Parish Council is supportive in principle of the proposals including the new addition of a one-bedroom apartment and improvements to parking provision.

To maintain and enhance local biodiversity we repeat our request made in responding to 20/01032/FUL that the new or replacement trees chosen for planting on this site are in accordance with the list of tree species ecologically appropriate to Saltford as published by Saltford Environment Group at <http://www.saltfordenvironmentgroup.org.uk/wildlife.html#appropriate-trees>; the trees listed in the Soft Landscaping Scheme document HQ/P2/06 includes tree species that do not meet that request, e.g. *Betula pendula* (Silver Birch), an upland tree.

As this is an area of sheltered housing our original request that during construction access is protected at all times for Iford Close and Hinton Close remains and we ask that the construction management plan's statement that "all construction works will be undertaken with full consideration given to the safety and convenience of the general public and neighbours" be fully adhered to.

HIGHWAYS:

28 June: Further information required

DRAINAGE AND FLOODING:

15 July: No objection subject to conditions

ARBORICULTURE:

10 Aug: No objection subject to conditions

ECOLOGY:

26 July: No objection subject to conditions

Representations Received :

Cllr Singleton: I wish this application be determined at the planning committee should the case officer recommend refusal. There is an existing permission 20/01032/FUL for the erection of 2 semi-detached houses and garages with associated parking and landscaping following demolition of a poorly constructed bungalow. Construction of the semi-detached houses is advanced and nearing completion. The new application seeks to add one flat above the separate garage block, with parking. The overall plot is quite large. In addition a neglected piece of land is being acquired at the front entrance from the highway to enable good access and egress to all the residents on the site. The new flat requires the height of that building to be raised a modest amount. There is no risk of overlooking. The proposed windows will introduce some symmetry and balance to the site as a whole. The site is self-contained and the new flat above the garage will not detract from the street scene. It is at a corner close to a set of Curo owned garages. Neighbouring bungalows in Iford Close are some distance away from the proposed flat and they are set back from the highway. The flat will add to the mix of properties in Saltford. I support this application.

POLICIES/LEGISLATION

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

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

Core Strategy:

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

CP2: Sustainable Construction
CP6: Environmental Quality
CP10: Housing Mix
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
D7: Infill and backland development
NE6: Trees and woodland conservation
RA1: Development in the villages meeting the listed criteria
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).

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 applicant seeks permission for the demolition of an existing bungalow and the erection of two semi-detached houses and garages and one flat with associated parking,

landscaping, and widened access at Hunters Quest. The site was the subject of the previous application 20/01032/FUL which sought permission for the erection of two semi-detached houses and garages with associated parking and landscaping following the demolition of an existing bungalow.

The main issues to consider are:

- Principle of development
- Character and appearance
- Residential amenity
- Highways matters
- Drainage and flooding
- Trees
- Ecology
- Sustainable construction
- Any other matters

PRINCIPLE OF DEVELOPMENT:

The site is within the Housing Development boundary of Saltford where the principle of development is acceptable subject to other material planning considerations discussed below.

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.

The proposed dwellings are identical to those proposed under application 20/01032/FUL, their character and appearance are considered acceptable.

The proposed additional garage to the west of the site is considered acceptable.

The proposed flat will be located above the originally proposed double garage building in the east of the site. The original garage did have a pitched roof with cedar clad walls, the materials proposed remain the same.

The proposed garage and flat building will now be increased in height to accommodate the flat. The front elevation is extended forward to incorporate a front door with a canopy area either side for parking with the garages behind. The front elevation appears contrived in order to accommodate the front access to the flat.

The flat will essentially be located in the pitched roof form which appears disproportionately large in relation to the entire building and is not in keeping with the street scene. There will be a large dormer windows incorporating a Juliette balcony, again not characteristic of the area. The roof form appears cluttered with rooflights and solar panels. Whilst there are flats locally there are none located over garage. All the surrounding flats are in purpose-built blocks. It is considered the flat will read as an

incongruous addition within the street scene and will appear to be located in the dwellings garden given the shared garage beneath. No other dwelling houses have such a garage/flat combo located in such a way.

Overall, the proposal by reason of its design, siting, massing, and layout is considered unacceptable by failing to respond to the local context and failing to maintain the character and appearance of the surrounding area.

The proposal fails to accord with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

RESIDENTIAL AMENITY:

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

The proposed dwellings were previously found acceptable in terms of residential amenity.

The additional flats' main outlook will be from the front elevation looking towards the parking and front amenity space of plots 1 and 2. This is considered acceptable.

Overall 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.

Vehicular access to the application site is proposed to be taken via the existing access which the applicant proposes to widen. Submitted plan reference HQ/P2/04 demonstrates that the existing vehicular access will be widened to approximately 5.9-metres which exceeds the minimum requirement of 4.1-metres required by Manual for Streets (MfS) to allow cars travelling in opposing directions to safely pass one another.

Interrogation of the CrashMap database reveals that there have been no Personal Injury Collisions (PICs) recorded on Iford Close in the previous 60-months, therefore HDC officers are satisfied that the continued use of the widened vehicular access will not be prejudicial to highway safety.

The same plan also indicates that there is sufficient space within the application site to enable the driver of a car to manoeuvre their vehicle such that it can enter the adopted public highway in a forward gear, which is acceptable in highway safety terms.

The two, three-bedroom houses and one, one-bedroom flat require the provision of five off-street, car parking spaces:

- o Two, two-bedroom houses - four spaces at a ratio of two spaces per dwelling;
- and
- o One, one-bedroom flat - one space at a ratio of one space per unit.

Plots 1 and 2 (the 2 bed dwellings) are both shown as having two spaces. These comprise one garage space and one off street space. Plot 3 (the 1 bed flat) has one 1 parking space plus store. The requirements are met.

Cycle stores are shown in the garden of each dwelling and in the internal store beneath the proposed flat.

A Construction Management Plan (CMP) has been submitted in support of the application and, having reviewed the CMP with colleagues from the 'Street Works' team, HDC officers confirm that the plan is acceptable.

The submitted 'Waste Management Plan' confirms that refuse and recycling will be collected from the kerbside, 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.

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 19.24% 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.).

TREES:

The position of the two dwellings is identical to the previously approved planning application, 20/01032/FUL. The additional living quarters are within the footprint of the previously approved garage. Arboricultural matters are therefore confined to the widening of the access and the introduction of a new garage.

The revised proposal results in the loss of the cedar in addition to others previously identified for

Removal. No arboricultural objection is raised to the proposed tree removals subject to mitigation planting.

The proposal means that condition 6 (Arboricultural Method Statement) of the approved scheme can no longer be complied with but no updated arboricultural information has been provided with this application. The current application reduces the precautionary measures necessary such as the installation of the cellular confinement system and fencing. The submission of a simple tree protection plan would address this omission, should the application have been recommended for permission.

ECOLOGY:

The Preliminary Ecological Appraisal and Preliminary Roost Assessment and Bat Emergence and Re-entry Surveys reports V3 (Arbtech, May 2021) have been resubmitted with minor updates.

The scheme does not differ significantly in ecological impacts from the scheme submitted for 20/01302/FUL to which there were no ecological objections. Minor amendments including a specification for external lighting would be required for the Wildlife Protection and Enhancement Scheme to be acceptable/enforceable. Conditions were recommended by the Council Ecologist.

CONCLUSION:

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

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed flat and garage building, by reason of its design, siting, massing, and layout is considered unacceptable as it fails to respond to the local context and fails to maintain the character and appearance of the surrounding area. The proposal therefore fails to accord with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

PLANS LIST:

1 This decision relates to the following plans:

18 Jun 2021 Hq/P2/01 Houses Plans And Elevations
18 Jun 2021 Hq/P2/02 House Section Roof Plan Garage And Bike Shed
18 Jun 2021 Hq/P2/04 Block Plan
18 Jun 2021 Hq/P2/05 Materials
18 Jun 2021 Hq/P2/06 Soft Landscaping Scheme
18 Jun 2021 Hq/P2/07 Artists Impressions
18 Jun 2021 Hq/P2/08 Location Plan
18 Jun 2021 Hq/P2/09 Existing Bungalow And Garage
18 Jun 2021 Hq/P2/10 Level Comparisons
18 Jun 2021 Iford-01 Topographical Survey
19 Jul 2021 P2pp Parking Provision
19 Jul 2021 P203a Garages Apartment Plans And Elevations

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

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against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil