

<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Planning Committee</b>
<b>MEETING DATE:</b>	<b>27th July 2022</b>
<b>RESPONSIBLE OFFICER:</b>	Simon de Beer – Head of Planning
<b>AGENDA ITEM NUMBER</b>	
<b>TITLE:</b>	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
<b>WARDS:</b>	<b>ALL</b>
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

**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:-**

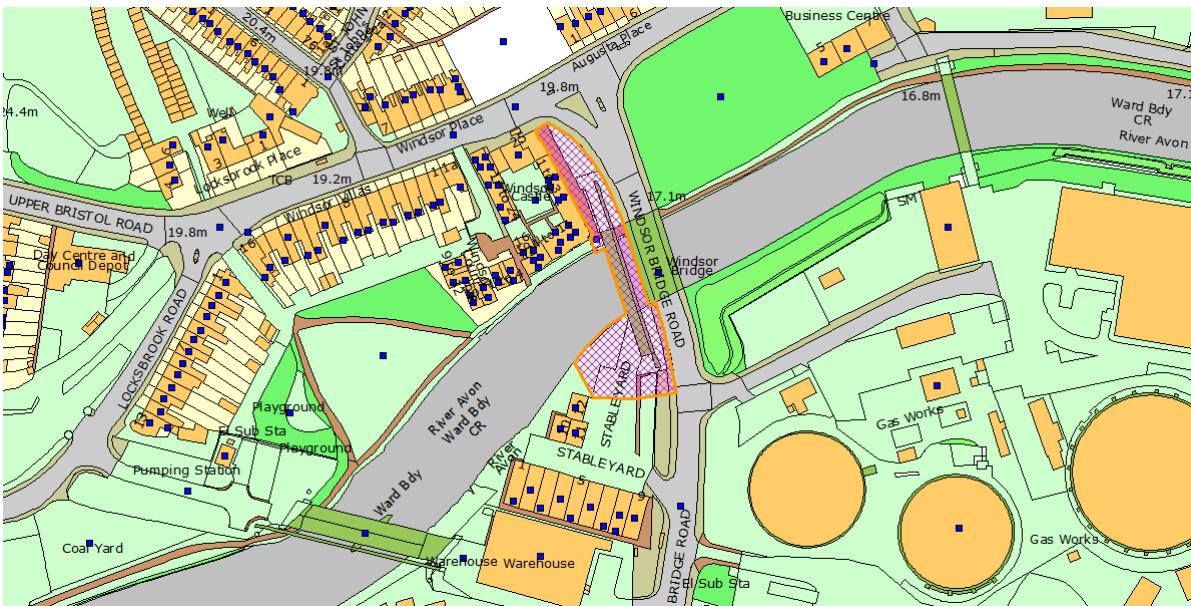
- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the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

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	22/01093/REG03 4 May 2022	B&NES Council Windsor Bridge, Windsor Bridge Road, Twerton, Bath, Bath And North East Somerset Demolition of redundant gas pipeline bridge and associated public realm and landscaping works	Westmoreland	Chris Griggs-Trevarthen	PERMIT
02	22/01448/FUL 1 July 2022	Mr and Mrs Swann Mill Farm , Vicarage Lane, Compton Dando, Bristol, Bath And North East Somerset Erection of timber orangery	Salford	Danielle Milsom	REFUSE
03	22/01449/LBA 1 July 2022	Mr and Mrs Swann Mill Farm , Vicarage Lane, Compton Dando, Bristol, Bath And North East Somerset External alterations for erection of timber orangery	Salford	Danielle Milsom	REFUSE
04	22/00371/FUL 29 July 2022	Mr & Mrs Richard and Donnalee Webb Windyridge, Newtown, Moorledge Road, Chew Magna, Bristol Repair of core historic cottages, demolition of modern extensions and garage, construction of new extension.	Chew Valley	Christopher Masters	REFUSE

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

<b>Item No:</b>	01
<b>Application No:</b>	22/01093/REG03
<b>Site Location:</b>	Windsor Bridge Windsor Bridge Road Twerton Bath Bath And North East Somerset
	
<b>Ward:</b>	Westmoreland
<b>Parish:</b>	N/A
<b>LB Grade:</b>	N/A
<b>Ward Members:</b>	Councillor Colin Blackburn Councillor June Player
<b>Application Type:</b>	Regulation 3 Application
<b>Proposal:</b>	Demolition of redundant gas pipeline bridge and associated public realm and landscaping works
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, 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, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Cycle Route, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Policy ST2A Recreational Routes-Cycle Ro,
<b>Applicant:</b>	B&NES Council
<b>Expiry Date:</b>	4th May 2022
<b>Case Officer:</b>	Chris Griggs-Trevarthen
To view the case click on the link <a href="#">here</a> .	

## **REPORT**

### **REASON FOR REPORTING TO COMMITTEE**

Councillor Andrew Furse has requested that the application be referred to committee. In accordance with the scheme of delegation, the application has been referred to the chair/vice chair of Planning Committee. They have decided that the application should be determined by committee and have made the following comments:

Chair, Cllr. Sue Craig

"I have reviewed this application and note the comments from the ward councillor and other interested parties. Given the concerns raised by both the Conservation and Arboriculture Officers, I believe this proposal should be debated in the open forum of the planning committee."

Vice Chair, Cllr. Sally Davis

"I have read this application noting the comments from statutory and third party consultees and the ward councillor, the points raised have been addressed as the application has been assessed against relevant planning policies but I feel the issues would benefit from being debated in the public arena. Therefore, I recommend the application be determined by the planning committee."

### **DESCRIPTION**

The application site comprises the Windsor Road Pipe Bridge: a redundant gas pipe and associated apparatus adjacent to the Windsor Bridge. The bridge spans over a canal tow path, now a cycle path, on the northern bank, and now carries redundant gas pipes and telecommunications ducts across the river. It has a main span of 35m, and two 15.5m approach spans extending north and south supported on masonry abutments. The spans are supported by 2m thick masonry piers on either side of the river.

The pipe bridge is now redundant following gas rationalisation works undertaken to enable the next phase of the Western Riverside development site (policy SB8).

The whole site is located within the Bath World Heritage Site and most of the bridge falls within the Bath Conservation Area. The River Avon and its bankside vegetation is identified as a Site of Nature Conservation Interest (SNCI) and also means that the site is located within flood zone 3.

The towpath is identified as a public right of way (PROW) reference BCRIV/1, as is the sloped route connecting Upper Bristol Road to the towpath which between the bridge landing and the Windsor Castle properties to the west.

The application proposes the demolition of the pipe bridge alongside new public realm and landscaping works on the north side of the river which connect to the Bath River Line.

### **PLANNING HISTORY**

There is no relevant planning history

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

A summary of consultation responses to the application have been provided below.

#### ARBORICULTURE: Objection

The indicative tree losses represent a significant adverse effect on the appearance of the area and loss of ecosystem services and resulting loss in natural capital. On site replacement planting will take many years to provide similar contributions leaving a generation gap. It is possible that offsite tree planting contributions will be in less influential locations. For these reasons I must object to the proposal. Conditions will be necessary if on balance the proposal is acceptable in planning terms.

#### CONSERVATION: Objection

Demolishing most of the bridge fabric will result in a large degree of direct harm to the non-designated heritage asset, with the loss of a most of its evidential value, but a relatively low level of less than substantial harm to the significance of the World Heritage Site and the Bath Conservation Area

Various public benefits have been explained relating to strategic planning objectives and the removal of redundant infrastructure that impedes safe use of the public towpath, which can be factored into the planning balance. The delivery of an area of well-designed and landscaped public realm linking the towpath with Upper Bristol Road is also noted.

ECOLOGY: No objection, subject to conditions

ARCHAEOLOGY: No objection, subject to conditions

HIGHWAYS: No objection, subject to conditions

PUBLIC RIGHTS OF WAY: No objection, subject to conditions

NATURAL ENGLAND: No objection, subject to conditions

ENVIRONMENT AGENCY: No objection, subject to conditions

CANAL AND RIVER TRUST: No objection, subject to conditions

BATH PRESERVATION TRUST: General comment

The Trust identify the significance of the bridge as a non-designated heritage asset, due to its evidential and historic associations with the Gas Works and its significance as a surviving material remainder of Bath's industrial heritage.

The Trust is disappointed that the opportunity has been missed for the possible retention or reuse of the bridge as part of the sustainable transport network, allowing for a pedestrian/cycle route only access across the river and onto the river path.

However, the Trust acknowledge the number of public benefits of the proposed scheme. These include:

- Opportunity to create an improved access onto the river path.

- Public realm improvements including improved visibility and greening.
- Public infrastructure improvements such as hard landscaping and interpretation.
- Conjoined approach with the Bath River Line project.
- Ecological/biodiversity improvements (although overall benefit is dependent on off-site planting).

The Trust consider that this application offers a positive opportunity to open up and enhance an otherwise overlooked and constricted access to the river, with benefits for public accessibility and enjoyment of the space as well as the visual amenities of the site. They feel that this is preferable to the "do nothing" fall-back position otherwise proposed.

If permitted, they wish to see interpretation built into the landscaping strategy to ensure that the context of the site is appropriately remembered, as well as offering a location of interest along the river line.

They also comment about the importance of the former railway bridge located to the west and consider that if the demolition of the pipe bridge is permitted, every effort should be made to retain, repair, and reuse the railway bridge as one of the last extant features of Bath's frequently overlooked industrial past.

#### COUNCILLOR ANDREW FURSES: Call-in request

As this application will have a significant impact and there are no plans to re-use the structure, I would like this decision to be determined by committee as it would be in the public interest.

THIRD PARTIES/NEIGHBOURS: 3 letters of OBJECTION have been received. The main issues raised were:

Concerns about the loss of mature trees and habitat loss and the potential impact/harm to bats, birds and other wildlife, particularly within the context of the climate and ecological emergencies. It was suggested that the proposed replacement habitat planting is unconvincing.

There were concerns that the proposals would result in the loss of one of the few remaining pieces of Bath's industrial heritage left.

Several residents of Windsor Castle were concerned that the removal of the pipe bridge would open views into their property from Windsor Bridge allowing for greater overlooking and loss of privacy.

It was also felt that the current bridge structure provides some protection from the pollution and noise of traffic on Windsor Bridge Road. It was felt that its removal will worsen this situation.

Concerns about inadequate consultation on the planning application.

## **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:

## **RELEVANT CORE STRATEGY POLICIES**

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

- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B4 Bath World Heritage Site
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure

## **RELEVANT PLACEMAKING PLAN POLICIES**

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

- D1 General urban design principles
- D2 Local character and distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D6 Amenity
- D8 Lighting
- D10 Public realm
- NE1 Development and Green Infrastructure
- NE3 Sites, Species and Habitats
- NE5 Ecological Networks
- NE6 Trees and Woodland Conservation
- HE1 Historic Environment
- ST1 Promoting Sustainable Travel
- ST7 Transport requirements for managing development

## **NATIONAL POLICY**

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

## **CLIMATE AND ECOLOGICAL EMERGENCIES**

The Council declared a climate emergency in March 2019 and in July 2020 declared an Ecological Emergency. These matters are material considerations in the determination of this application.

## **LEGISLATION**

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

## **LOW CARBON AND SUSTAINABLE CREDENTIALS**

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

## **OFFICER ASSESSMENT**

The main issues to consider are:

1. Heritage
2. Trees and woodland
3. Ecology
4. Public realm
5. Residential amenity
6. Highways
7. Flood risk
8. Public benefits
9. Other matters
10. Planning balance
11. Conclusion

### **1. HERITAGE**

The existing pipe bridge is a non-designated heritage asset. The heritage statement submitted with the application includes a thorough assessment of the bridge structure, its contribution to the designated conservation area and the World Heritage Site. A detailed account of the structures' evolution is given from the original elegant 1837 suspension bridge, to the 1894 bowstring girder bridge (supported off the 1837 stone piers) through to its later repurposing to carry gas pipes and telecommunications. The coloured-up diagram on page 7 of the Landscape Strategy usefully summarises the extant historic fabric. It is acknowledged that the bridge structure is now in a poor state of repair.

The application proposes demolishing the bowstring bridge and its approach spans, the northern pier of the 1837 bridge and a reduction in height and shortening of the northern approach ramp wall from 1837. The southern 1837 pier will be retained (but altered to provide bat and bird habitats) but it would no longer be possible to contextualise the structure due to the removal of other features.

Paragraph 199 of the NPPF 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.

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. Public benefits can be environmental, social or economic and should flow directly from the proposed development and be of a nature or scale to be of benefit to the public at large.

In weighing applications that effect non designated heritage assets, paragraph 202 states that a balanced judgement will be required having regard to the scale of any harm or loss to the significance of the heritage asset.

In line with the conclusions of the submitted heritage statement, the Conservation Officer concludes that demolishing most of the bridge fabric will result in a large degree of direct harm to the non-designated heritage asset, with the loss of a most of its evidential value, but a relatively low level of less than substantial harm to the significance of the World Heritage Site and the Bath Conservation Area.

This balancing exercise is set out in the planning balance section below.

The Conservation Officer has recommended that, should the planning balance tip in favour of granting permission, conditions requiring archaeological building recording of the bridge structure be applied alongside a requirement to provide on-site interpretation as part of the public realm works.

The Council's appointed Archaeologist has raised no objection to the proposals but has advised that there is some potential for impacts on buried archaeology relating to Roman and/or Industrial activity and has therefore requested an archaeological watching brief to be secured by condition.

## 2. TREES AND WOODLAND

The southern bank of the river is heavily vegetated and contains a significant number of mature trees (mixture of category C and B trees) which contribute towards the strategic green infrastructure beside the River Avon. There are also three large lime trees located within the hard standing adjacent to the junction of Windsor Bridge Road and Upper Bristol Road which make an important visual contribution, acting as a landmark for this area.

The proposals include a significant number of tree removals which are required removal to enable access for demolition equipment. Drawings submitted indicate the worse case scenario in terms of tree losses, with potential for the loss of up to 18 trees including the 3 significant lime trees on the north bank.

This has drawn an objection from the Council's Arboriculturalist who is considers that the trees represent years of carbon sequestration and will have been contributing towards improvements in air quality on this busy road and intersection by filtering airborne particulates and gases among other services which they provide.

Policy NE6 states that development will only be permitted where it seeks to avoid any adverse impacts upon trees. It also suggests that where it is demonstrated that the adverse impact on trees is 'unavoidable' appropriate compensatory provision will be made in accordance with replacement tree planting requirements of the Planning Obligations SPD.

In terms of whether the proposed tree removals are 'unavoidable', a demolition proposal (Buro Happold) report has been submitted which considers alternative options to the demolition.

The first option considered is the 'do nothing' option. The main issue with this approach is that previous investigations and examinations of the bridge have confirmed its poor condition and noted a number of defects including the following:

Approach spans:

1. Widespread breakdown of paint system;
2. Leakage through the deck;
3. Severe corrosion of transverse beams and jack arches;
4. Corrosion leading to localised section loss and perforation of top chords;
5. Cracking and spalling of concrete encasement to bottom chords;
6. Corrosion leading to section loss of lattice web elements;
7. Severe corrosion of rivet heads;
8. Invasive vegetation.

Main span:

1. Widespread breakdown of paint system;
2. Corrosion leading to localised section loss of top chords;
3. Cracking and spalling of concrete encasement to bottom chords, including indicators of corrosion of embedded reinforcement;
4. Corrosion leading to section loss and instances of severing of lattice web elements;
5. Severe corrosion of rivet heads;
6. Severe corrosion of cross beams, absent a deck structure;

The report concludes that the bridge structure has already reached a stage where interventions well above and beyond routine maintenance are necessary and that without significant repair/refurbishment there is a damage of material falling from the bridge onto the publicly accessible towpath and river below presenting a significant health and safety issue. It is therefore concluded that the 'do nothing' is not a viable option.

The report then goes onto consider a 'retain and refurbish' option and sets out an indicative scope for these works. Here it notes that there would be significant amount of temporary works required to facilitate the refurbishment including the provision of working areas and temporary support for the structure to permit the removal and replacement of deteriorated parts and to ensure its overall stability. The scale of activities require would result in a similar impact in terms of tree and vegetation removal around the site which would be necessary to create the proper working areas.

In attempting to estimate the cost of this option, the report draws upon the local precedent provided by the refurbishment of Victoria Bridge, which was completed in December 2014

at a cost of £3.4m. Allowing for inflation, the report suggests a budget of approximately £4m would be necessary for this option.

The report notes that the true scope and cost of a 'retain and refurbish' option cannot be ascertained with confidence due to the likelihood of additional and latent defects that will only become known once the work is underway. There is significant risk associated with this option.

The report then goes onto consider the different options for undertaking the demolition of the pipe bridge, noting the constraints presented by the river and the towpath, private land to the southwest and traffic management issues on Windsor Bridge Road.

Consideration was given to the deconstruction of the bridge utilising a large crane, but was ruled out for the following reasons:

1. Difficulty of erecting and operating a very large crane in the available space;
2. Poor condition of the main span during any lifting operation requires substantial temporary works to ensure stability and robustness;
3. Limited opportunity for a large set-down area for subsequent dismantling.

Deconstruction of the bridge utilising a barge and lifting apparatus was also considered, but ruled out for the following reasons:

1. Complete navigation closure of the river would be required for an extended period;
2. Poor condition of the main span during a jack-up/lifting operation requires substantial temporary works to ensure stability and robustness;
3. Restricted riverine access/egress for barge and bridge requires dismantling local to the site;
4. Limited opportunity for bankside works local to the site

Both of these options were therefore ruled out and, in any case, would likely also entail significant tree removals to create the necessary access and working areas.

The preferred demolition method involves the use of a temporary panel bridge to support the main span during removal. This would be launched from the public realm area to the north of the bridge, over and through the existing main bridge span. The existing structure would then be uniformly supported from the panel bridge, permitting its removal in small pieces.

The current proposals and tree removals are based upon this approach which is the most sensible and practical approach in terms of demolition options. To this extent, the proposed tree removals indicated are considered to be 'unavoidable' for the purposes of policy NE6.

In terms of appropriate compensatory provision, the tree replacement formula set out in the Planning Obligations SPD requires 74 replacement trees. Mitigation tree planting will be provided on-site through the site landscaping scheme (discussed in more detail in the public realm section below). However, there is insufficient space on the site to plant all 74 replacement trees and some off-site provision will have to be made.

Usually, a financial contribution will be sought to allow for the Council to identify and plant off-site trees on suitable sites. However, the Council is the applicant for the current application and is unable to enter into a legal agreement with itself to secure a financial contribution. However, the Council does have significant land holdings and is already actively engaged in finding suitable sites for off-site tree replacements due to the requirements of the Planning Obligation SPD. It is therefore considered that there is a real prospect of suitable sites being identified. Off-site replacement tree planting can therefore be appropriately secured through a planning condition in this instance.

In conclusion, it is considered that the proposed tree losses, whilst regrettable, are unavoidable and appropriate compensatory tree planting will be provided. The proposals are therefore consistent with policy NE6.

### 3. ECOLOGY

The River Avon is a designated Site of Nature Conservation Interest (SNCI) of high ecological and habitat value, used by a wide range of terrestrial and aquatic wildlife, including protected species such as nesting birds (including kingfisher); otter, bats. The River Avon is considered to provide supporting habitat to the Bath and Bradford on Avon Bats Special Area of Conservation.

An Ecological Impact Assessment has been submitted with the application and includes bat emergence surveys of the bridge structure and a Biodiversity Net Gain (BNG) calculation.

#### *Bat roosts*

A pipistrelle roost was confirmed in the northern bridge span and will be impacted by the proposals. A European Protected Species (EPS) licence will be required, and the Council must be confident that the 'three tests' of the Habitats Regulations are likely to be met.

The first test requires consideration of whether there are any feasible alternatives that would be less damaging. As discussed in the trees and woodland section above, the 'do nothing' option is not considered feasible. The 'retain and refurbish' options would entail significant impacts upon the identified bat roost and would likely also result in its loss. The various demolition options considered would also all result in the loss of the identified bat roost. It is therefore considered that there was no feasible alternative that would result in less damage to the roost.

The second test requires that the proposals are carried out for imperative reasons of overriding public interest. This is considered in more detail in the planning balance section below.

The third test requires that the activity must not harm the long-term conservation status of the species concerned and that necessary compensatory measures can be secured. The Council's Ecologist considers that the recommendations for ecological and bat mitigation proposed are appropriate and won't cause a long-term impact upon the species concerned. These measures can be secured by condition.

## **SCNI and BNG**

The proposals will also impact upon the SCNI through the removal of riverside trees and other vegetation providing habitat value to a range of wildlife.

Policy NE3 states that developments which adversely affect SCNIs will only be permitted where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site. This balancing exercise is discussed in the planning balance section below.

NE 3 also requires that in all cases, harm is minimised and compensatory provisions, alongside enhancements, are made.

The review of options (discussed in the trees and woodland section above) demonstrates that harm has been minimised. The proposals include appropriate compensatory planting on-site, but also rely upon off-site replacement tree planting to ensure provision of equivalent ecological value for the trees to be removed (as discussed in the trees and woodland section above).

The BNG calculations submitted with the application also demonstrate that, once the off-site tree planting has been implemented, the proposals will result in a net gain of 25.91% above the existing baseline. The calculation also does not take account of a variety of nest boxes and roosting features proposed as part of the landscaping scheme. The proposals are therefore considered to make appropriate ecological enhancements consistent with policy NE3.

## **SAC**

This proposal has potential to result in a significant impact to the SAC through an increase in light spill onto the River Avon commuting corridor and loss of riverside vegetation. Due to the potential impacts to the SAC, a Habitat Regulations Assessment will be required. A Shadow Habitats Regulations Assessment has been submitted as part of the application and this has been reviewed by the Council's Ecologist and Natural England.

Following the receipt of further lighting information, they have both ruled out any likely significant effect on the Bath and Bradford on Avon Bats SAC as a result of lighting from the proposals

They also consider that due to the proposed landscape scheme in combination with the proposed fencing between the business park and south of the river, the retention of scrub and the installation of back shields on the existing lamposts on Windsor Road, the proposal would not impact the River Avon commuting corridor.

## **4. PUBLIC REALM**

Upper Bristol Road and the river towpath are both important and busy routes for pedestrian and cycle movements. The link between the two routes is provided via a gravel path immediately to the west of the pipe bridge landing and to the east of the Windsor

Castle properties. The entrance to the route from the Upper Bristol Road is poorly identified and, as a result, is not easy to find and navigate.

The visibility of the junction between the link path and the riverside towpath is impinged by the support structures of the pipe bridge. Clear therefore must be taken when joining the route which is popular with cyclists. The route is also often muddy in nature and can become unsuitable for wheelchair users.

The landscaped area to the north of pipe bridge contains three significant lime trees which provide a prominent landmark as the junction of Windsor Bridge Road and Upper Bristol Road. However, beyond these trees the area does not provide much in terms of public realm value. The surface treatment is of low quality, with limited ground level vegetation and biodiversity value and much of the area is enclosed and inaccessible around the area of the pipe bridge landing.

The application proposes the implementation of public realm works alongside the removal of the pipe bridge which including opening up the area where the current northern landing of the bridge is located. The removal of the northern bridge pier enables the creation of a larger public space which allows for the existing route to be opened up and for the creation of a new stepped route from the Windsor Bridge junction down to the Riverline towpath alongside the creation of new green space for planting.

The proposals would create a more welcoming space which, the entrance to which would be more visible and usable by pedestrians and cyclists. It creates opportunities for more formal planting and would create a much more attractive piece of public realm, akin to a small pocket park. The proposals would improve the visibility between users of the towpath and the link route, improving the safety of both pedestrians and cyclists. It would also help create new views towards the river.

The proposals are also consistent with the aims of the Bath River Line project which aims to create a linear park following the River Avon from Batheaston to Newbridge.

The loss of the 3 prominent lime trees would have a negative impact upon the public realm in this area, but it is considered that, on balance, this is outweighed by the more comprehensive improvements to the public realm proposed.

It is therefore considered that the proposals contribute towards public realm improvement in accordance with policy D10 and will enhance the character and urban fabric of the area consistent with policies D2 and D3 of the Placemaking Plan. The detail of the landscaping scheme is to be secured by condition.

## 5. RESIDENTIAL AMENITY

Several comments have raised concerns that the removal of the bridge will create new views into the private areas of nearby properties. The nearest properties to the application site are The Windsor Castle apartments which lie just to the west of the pipe bridge.

When viewed from Windsor Bridge, the pipe bridge does block some views towards the south elevation of The Windsor Castle properties, although the majority of the upper floor

are still visible. The removal of the pipe bridge will open up these views but given the orientation of the properties these views will be from an indirect angle. In any case, the views created are no greater or more harmful than views that are already available from the Riverline towpath where close up views of the lower floors of Windsor Castle can already been achieved from the public realm.

It is therefore considered that, due to the distance and angles involved, the removal of the pipe bridge will not result in any significant new overlooking of any private rooms or areas.

Conversely, the removal of the bridge could improve the outlook from the Windsor Castle apartments. However, for the same reasons as given above, this is unlikely to result in any significant improvement to the amenity of these properties.

A construction management plan will be secured by condition to mitigate the impacts of the demolition/construction works upon the nearby residential properties adjacent to the site.

## 6. HIGHWAYS

Windsor Bridge Road is a Class A adopted highway and a critical component of Bath's city centre road network. The highway is highly congested at peak hours and links to two important arterial routes to / from the city centre (A4 Upper Bristol Road and A36 Lower Bristol Road).

The submitted Design and Access statement states that traffic management measures will be required on Windsor Bridge Road to enable the scheme, however no details have been provided within the current submission as to what this is likely to entail. Any traffic management measures will have significant implications on traffic conditions locally and elsewhere within the city centre. There are also a number of other road works proposed in the vicinity of Windsor Bridge Road which need to be taken account of.

The Highways Officer has therefore requested that a construction management plan be secured by condition and includes details as to the proposed traffic management procedures required on Windsor Bridge Road (in addition to any other locations on the adopted network) throughout the demolition / construction phases.

Subject to a construction management plan being secured by condition, there is no highways objection to the proposals.

## 7. FLOOD RISK

The Pipe Bridge main span, the site area adjacent to the northern approach span and the grassy riverbank on the south area of the site are within Flood Zone 3; at high risk of fluvial flooding. Given their location, they are identified as zone 3b, i.e. functional floodplain.

The proposed works (demolition of a bridge and public realm improvements) are classed as falling within the 'water compatible' vulnerability classification and are considered appropriate in accordance with the NPPF.

The NPPF requires the application of the sequential test to guide development to the areas of lowest flood risk. The NPPG supplements the NPPF on this matter and indicates that the sequential test should be applied pragmatically. In this case, the proposals are to remove an existing bridge and provide improvements to an existing area of public realm, therefore there are no 'other sites' which could be reasonably available for the proposed development. It is therefore considered that the sequential test is passed.

Notwithstanding the sequential test, the temporary and permanent works must not result in an increase flood risk, either to the site or off site. A flood risk assessment has been submitted with the application which concludes that the proposed works will not have a negative impact in terms of flood risk. The proposals seek to retain the existing configuration of the river's cross section with the exception of the removal of the bridge piers supporting the central span. The permanent works are therefore expected to have net zero impact on the floodplain due to the abutments being substantially retained or replaced by gabions along the alignment of the existing abutments.

There is no objection from the Environment Agency. It is considered that the proposals will not result in any increase in flood risk and are consistent with policy CP5 of the Core Strategy.

## 8. PUBLIC BENEFITS

The proposals will have several public benefits, some of which have been discussed above but are summarised here.

### *Pedestrian and cycle improvements*

The proposals will create an improved access onto the river path for both pedestrians and cyclists, making the space more legible and user friendly. It also results in an improvement in safety by increasing visibility. The proposals are consistent with the approach and aims of the Bath River Line project to create a linear park along the river with high quality routes for walking and cycling. The improvements to the PROW routes are consistent with policy ST2A of the Placemaking Plan and the overall approach of promoting sustainable travel expressed in policy ST1.

### *Public realm improvements*

They will also provide improvements which make this space adjacent to the river more attractive as a piece of public realm and opens up views of the river. The landscaping proposals will also provide the opportunity to incorporate on-site interpretation of the non-designated heritage asset, helping to improve understanding of Bath's industrial heritage. Albeit this is tempered by the loss of most of the bridge itself.

### *Ecological/biodiversity improvements*

It creates opportunities for ecological/biodiversity improvements and new areas of planting. However, this is tempered by the harm arising from the loss of the existing established trees and will be partially dependent upon the provision of off-site planting.

### *Economic benefits*

The proposed works will also create demolition jobs and generate local employment and supply chain expenditure which represents an economic benefit of the proposals.

Taken together, these represent a significant package of public benefits which would arise from the proposed development.

## 9. OTHER MATTERS

### *Consultation*

Concern have been raised in one of the comments received that inadequate consultation had been carried out on this application. However, the application has been publicised in accordance with the Council's My Neighbourhood Planning Protocol and has meet the statutory requirements of the Town and Country Planning (Development Management Procedure) Order 2015. Notification cards were sent out to all neighbours sharing an immediate boundary with the site and a site notice was erected near the site for no less than 21 days.

### *Public sector equality duty*

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

The proposed improvements to the public realm will improve accessibility between the towpath and the Upper Bristol Road for the elderly, disabled and otherwise vulnerable residents. The proposals could therefore provide benefit to these effected groups.

Consideration has been given to how the proposals may impact upon other protected groups and it is considered that the application will not cause significant harm to any affected party, as such, the Council has complied with its Public Sector Equality Duty.

## 10. PLANNING BALANCE

### *Heritage balance*

As concluded above, the proposals will result in a large degree of harm to the non-designated heritage asset (the bridge itself) and will result in a relatively low level of 'less than substantial harm' to the World Heritage Site and the Bath Conservation Area.

This harm must be weighed against the public benefits of the proposal and great weight must be given to the assets' conservation.

In this instance, it is considered that the public benefits arising from the proposal, including the pedestrian and cycle improvements, the public realm improvements, the ecological/biodiversity improvements and the economic benefits, combine to outweigh the harm to these heritage assets.

The proposed development is therefore considered to comply with the NPPF and with policy HE1 of the Placemaking Plan.

#### *SNCI balance*

Policy NE3 requires that material considerations outweigh the value of the SNCI harmed.

In this instance, the scheme provides several public benefits which can be given significant weight. Furthermore, it is the examination of alternatives has demonstrated that the 'do nothing' approach and the alternative demolition options would likely result in similar levels of impact upon the SNCI. Within this context, it is considered that the proposed benefits of the scheme clearly outweigh the identified harm to the SNCI.

#### *Ecology balance*

The second test of the Habitat Regulations derogation tests requires that the proposals are carried out for imperative reasons of overriding public interest.

In this case, it is relevant to take account of the fact that the proposals will only affect a single pipistrelle roost. Furthermore, the consideration of alternatives is highly relevant. A 'do nothing' approach is not feasible and would lead to critical health and safety issues associated with a deteriorating bridge. The other options for demolition or refurbishment would both still result in the destruction of the bat roost.

In addition, the proposal provides a significant package of public benefits (see above) and cannot be delivered without the destruction of the roost.

It is therefore considered that there are imperative reasons of overriding public interest to carry out the proposals. All three of the Habitat Regulations derogation tests are therefore met and there is confidence that an EPS licence would be granted for the development.

## 11. CONCLUSION

The proposed development would result in the removal of a redundant pipe bridge and would allow for the provision of significant improvements to the public realm that would benefit all users of the link between the towpath and Upper Bristol Road.

Whilst there would be some harm arising from the loss of the historic bridge, this is outweighed by the public benefits arising from the proposals.

The proposed tree losses, whilst regrettable (particularly the three limes to the north), are unavoidable given that the alternative scenarios considered are either not feasible or would have a similar impact. Appropriate compensatory tree planting will be provided through both on and off-site replacements.

The proposal therefore complies with all relevant policies of the development plan and is considered acceptable. In accordance with paragraph 11 of the NPPF should be approved without delay.

## **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 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;

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

Reason: To ensure the 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 Arboricultural Method Statement (Pre-commencement)**

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by

an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority. The statement shall incorporate an initial site meeting between the appointed contractor, appointed arboricultural consultant and Council arboricultural officers to discuss the precise working methodology in order to identify a way to retain as many trees as possible.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

#### **4 Archaeology - Watching Brief (Pre-commencement)**

No development shall commence, except archaeological investigation work and demolition required to undertake such work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

#### **5 Building Recording (Pre-commencement)**

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

Reason: The bridge structure is of heritage interest and the Council will wish to examine and record it in accordance with Policy HE1 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because archaeological remains and features may be damaged by the initial development works.

#### **6 Wildlife Mitigation Scheme (compliance condition)**

The development hereby approved shall be carried out only in accordance with the ecological and bat mitigation and compensation measures, habitat creation, and new planting, as detailed in the approved Ecological Impact Assessment (Sections 5 and 6) by NPA, 25th Feb 2022, including the Biodiversity Net Gain Assessment, Proposed On-site Habitat Plan (NPA 25 Feb 2022) and Biodiversity Metric Calculation (excel spreadsheet);

and the Ecological Addendum (NPA 16th May 2022). All such measures shall be adhered to retained and maintained thereafter for the purpose of wildlife conservation.

Reason: To avoid harm to ecology including protected species and to avoid net loss of biodiversity in accordance with the National Planning Policy Framework and policy NE3 of the Placemaking Plan.

### **7 External Lighting (Bespoke Trigger)**

No new external lighting shall be installed until full details of the proposed lighting design that shall be in accordance with the approved "Outline Lighting Strategy" by Buro Happold dated 16th May 2022 have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- (i) proposed lamp models and manufacturer's specifications, and proposed lamp positions, numbers and heights, with details to be shown on a plan
- (ii) Full details of lighting controls, proposed hours, frequency and duration of use, and measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife.

The lighting shall be installed maintained and operated thereafter only 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.

### **8 Surface Water Drainage (Pre-commencement)**

No development of the public realm works shall commence until details of the proposed surface water drainage design have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a programme of implementation. The surface water drainage design shall thereafter be completed in accordance with the approved details and programme of implementation.

Reason: This matter requires further consideration to prevent unregulated flows across the towpath and to prevent possible pollution of the river in compliance with paragraph 174 of the National Planning Policy Framework. This is a pre-commencement requirement as the surface water drainage may be prejudice by initial development works.

### **9 Landscape Design and Heritage Interpretation (Bespoke Trigger)**

No development of the public realm works shall commence until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (e.g. outdoor furniture, play equipment, refuse or other storage units, signs, lighting)

7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
8. Retained historic landscape features, proposals for restoration and interpretation, where relevant

Soft landscape details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design and to ensure that historic interpretation of effected heritage asset is provided, in accordance with policies D1, D2, D4, NE2 and HE1 of the Bath and North East Somerset Placemaking Plan.

#### **10 Implementation of Landscaping Scheme (Bespoke Trigger)**

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

#### **11 Arboricultural Compliance (Bespoke Trigger)**

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

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

#### **12 Off-site Tree Replacements (Bespoke Trigger)**

Within 12 months of the commencement of development a site and scheme to provide replacement tree planting in a riverside location and in accordance with the Biodiversity Net Gain Assessment (as detailed in Chapter 5 and Appendix 4, Ecological Impact Assessment, NPA 11231 101) shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with tree establishment)
3. Schedules of trees, noting species, planting sizes and proposed numbers / densities
4. A programme of implementation and long term maintenance

The approved scheme shall thereafter be carried out in accordance with the approved programme of implementation and the habitat and trees maintained and retained accordingly thereafter.

Reason: To ensure that the proposals deliver biodiversity net gain and avoid net loss in accordance with policy NE3 of the Placemaking Plan and the National Planning Policy Framework.

### **13 Ecological Compliance Statement (post-works)**

Within 3 months of the site being re-opened to the public, or within 12 months of commencement of works, whichever date is sooner, a report produced by a suitably experienced professional ecologist (based on post-works on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to and completion of all ecological and bat mitigation and compensation measures, including new planting and habitat creation, in accordance with approved details, and providing full details, scale drawings and photographs of newly installed ecological features and roost structure/s for bats; shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the ecological and bat mitigation and enhancement requirements of the scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Placemaking Plan

### **14 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 0295-BDL-XX-XX-DR-L-0001-P05	SITE LOCATION PLAN
WBR_BHE_XX_XX_DR_GE_0002	PROPOSED DEMOLITION EXTENTS
WBR_BHE_XX_XX_DR_GE_0001	EXISTING GENERAL ARRANGEMENT
0295-BDL-XX-XX-DR-L-0005-P02	EXISTING SITE PLAN
0295-BDL-XX-XX-RP-L-0004-P06	SOFT LANDSCAPE PLAN
0295-BDL-XX-XX-DR-L-0800-P01	ILLUSTRATIVE LANDSCAPE MASTERPLAN
0295-BDL-XX-XX-DR-L-0101-P01	ILLUSTRATIVE LANDSCAPE SECTION A-A
0295-BDL-XX-XX-DR-L-0002-P05	TREE RETENTION AND REMOVAL PLAN
0048051-3817-001 REV 003	OUTLINE LIGHTING STRATEGY

## **2 Condition Categories**

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

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

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

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

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

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

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

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

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

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

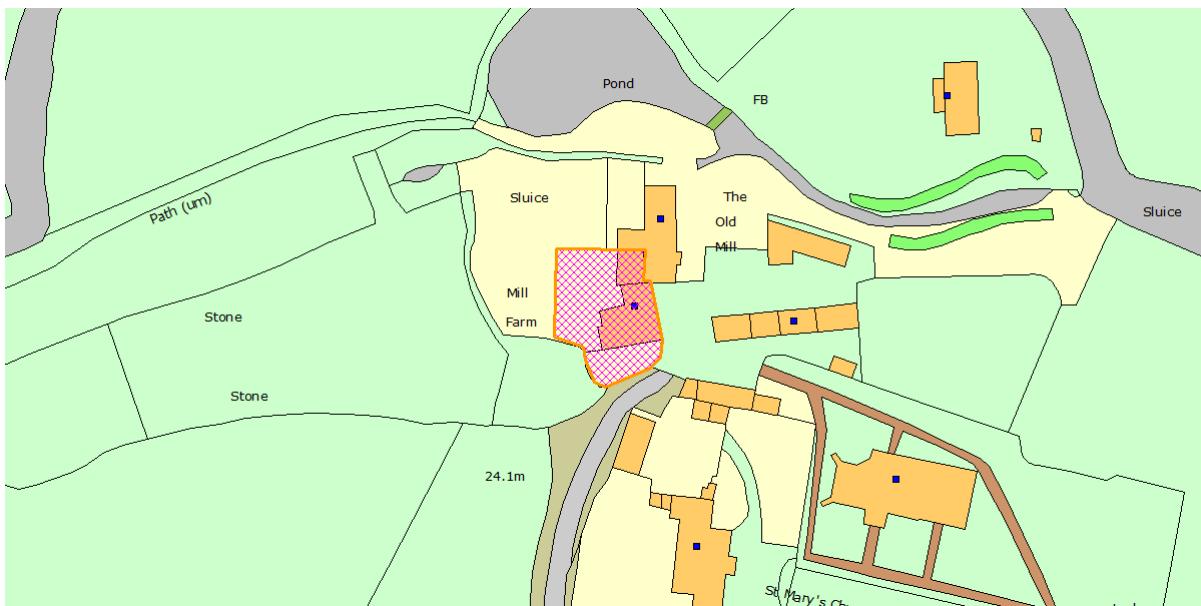
The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

## **5 INFORMATIVES**

1. The Landscape Strategy (dated 16th May 2022) lists, at Page 30, the soft landscaping and hard landscaping elements to be included in the ongoing maintenance by the Management Company. The PROW Team requires the regular maintenance of the vegetation in the public realm area to ensure that the public footpaths do not become obstructed or encroached by vegetation. Regular sweeping will ensure that the surface of the public footpaths do not become slippery with leaf litter.
2. There must be no effect to the surface, gradient, line or width of the public footpaths during or after construction. Any damage to the public footpaths during the construction phase must be repaired to the satisfaction of the PROW Inspector at Bath and North East Somerset Council.

3. A temporary path closure may be required to facilitate development. Full details of the process involved can be found on the Council's website at:  
<https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/publicrights-way/public-path-orders/temporary-path>
4. The proposed demolition of the bridge and removal of bridge abutments plus construction of a temporary bridge will require a Flood Risk Activity Permit under the Environmental Permitting (England and Wales) Regulations 2016 to be obtained for any activities which will take place on or within 8 metres of the River Avon, a designated main river (16 metres if tidal).
5. The applicant should contact Canal and River Trust's Infrastructure Services Team by email to [enquiries.TPWSouth@canalrivertrust.org.uk](mailto:enquiries.TPWSouth@canalrivertrust.org.uk) to ensure that the works comply with their Code of Practice for works affect the Canal and River Trust.

**Item No:** 02  
**Application No:** 22/01448/FUL  
**Site Location:** Mill Farm Vicarage Lane Compton Dando Bristol Bath And North East Somerset



<b>Ward:</b> Saltford	<b>Parish:</b> Compton Dando	<b>LB Grade:</b> II
<b>Ward Members:</b>	Councillor Duncan Hounsell	Councillor Alastair Singleton
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of timber orangery	
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, Policy M1 Minerals Safeguarding Area, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,	
<b>Applicant:</b>	Mr and Mrs Swann	
<b>Expiry Date:</b>	1st July 2022	
<b>Case Officer:</b>	Danielle Milsom	

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

## REPORT

Compton Dando Parish Council have supported the application, contrary to the officer's recommendation to refuse. In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee who both decided the application should be debated and decided at the Planning Committee. Their comments are as follows:

Chair's comments:

"I have reviewed this application and note the comments from Compton Dando Parish Council. The officer and applicant have worked together to revise the proposal in order to bring it into line with policy but have been unable to reach a position where, in the officer's

judgment, the balance of harm to the listed building is acceptable. I believe that this aspect of the proposal would benefit from a debate at committee."

Vice Chair's comments:

"I have looked at this application noting CDPC support comments & amendments made as the application has progressed through the planning process.

The application has been assessed against relevant planning policies, but it still felt there would be harm to the listed building however I feel this aspect should be debated in the public arena therefore I recommend the application be determined by the planning committee."

Details of location and proposal and relevant history:

This application is in relation to Mill Farm, a Grade II listed Farmhouse located within the village of Compton Dando. The site falls within the Green Belt.

This application for listed building consent proposes external alterations for erection of timber orangery.

Relevant Planning History:

96/02617/FUL - permit - Alterations to barn

11/04726/LBA - refused - Internal alterations for the removal of ground floor partition and cupboard within lounge areas.

11/04735/FUL - permit - Erection of two storey rear extension.

11/04743/LBA - permit - Internal and external alterations to include general refurbishment to the fabric of the building, addition of new stairs and other alterations to improve living accommodation, provision of a mezzanine floor, replacement of roof on rear to match existing and erection of two storey rear extension.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Conservation: Objection

Representations Received :

None received

## **POLICIES/LEGISLATION**

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:

- Policy GDS.1 Site allocations and development requirements (policy framework)
- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

#### Core Strategy:

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

CP6: Environmental Quality

CP8: Green Belt

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

#### Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

GB1: Visual amenities of the Green Belt

GB2: Development in Green Belt villages

GB3: Extensions and alterations to buildings in the Green Belt.

#### HE1: Historic environment

#### National Policy:

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

#### SPD's:

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

## Listed Buildings:

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

## LOW CARBON AND SUSTAINABLE CREDENTIALS

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

## OFFICER ASSESSMENT

### GREEN BELT:

Inappropriate development is by definition harmful to the Green Belt. Paragraphs 149 and 150 of the NPPF set out forms of development which are considered not to be inappropriate development. One of these exceptions includes extensions to existing buildings providing it does not result in a disproportionate addition. The extensions in the Green Belt SPD states that an extension which results in an increase of over 1/3 is considered to be disproportionate.

Officer calculations have revealed that the original volume of the dwelling equates to 783m<sup>3</sup>. Previous extensions have increased this to 858.5m<sup>3</sup>, a 9.6% increase in volume. The proposed extension would further increase the volume to 920.2m<sup>3</sup> which equates to a 20% increase from the original building. This increase is therefore under a 1/3 and as such the extension is not considered to be disproportionate. The extension is not considered to cause harm to the openness of the Green Belt due to its positioning set within the walls of the existing dwelling.

### CHARACTER AND APPEARANCE AND IMPACT TO HERITAGE ASSETS:

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

When considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial

harm, total loss or less than substantial harm to its significance. There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission 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.

This application proposes the erection of a single storey orangery to the rear of the dwelling. The property is an early/mid-19th century grade II listed farmhouse. Its intrinsic interest will be enhanced by the close physical relationship to other mill related structures. It sits at the end of a cul-de-sac lane that primarily serves the church, a grade II\* listed building.

Following comments from the Conservation Officer, revisions were submitted which reduced the size of the proposed orangery. The amendment to the footprint has only resulted in a small reduction in the level of harm to the listed building. The proposed orangery is still considered to be disproportionately large in relation to the size of the house, appearing as a visually dominant addition. Whilst the design of the fenestration has been altered to incorporate glazing bars, rather than large expanses of glass, this is still considered to appear too grand and subsequently jars against the listed building. The addition of the large roof box also adds to the grand appearance which detracts attention from the listed building.

It has been stated in the design and access statement that the orangery would not be seen given its position to the rear of the property. However, this is immaterial. The building is listed in its entirety and all work, whether or not it is visible is subject to the same considerations of impact on significance. Although, in this case a public footpath runs behind the house. The rear of the house is clearly visible from the footpath.

The proposed opening to create access into the orangery has been reduced in size in response to initial conservation comments. This will still result in a small loss of historic fabric, however this is considered to cause a negligible level of harm on the listed building.

It is concluded that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 202 of the NPPF (2021) requires that any harm be weighed

against the public benefits of the proposal including, where appropriate, securing the optimum

viable use of the building. It is considered that any benefit from the proposed orangery would be merely private. It is considered therefore that there are not any public benefits secured by this proposal that would outweigh the harm.

The proposals are not therefore consistent with the aims and requirements of the primary legislation and planning policy and guidance and constitute unacceptable alterations to the listed

building that would not preserve the significance as a designated heritage asset, also failing to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 202 of the NPPF.

## **RESIDENTIAL AMENITY:**

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

The proposed orangery does not show potential to cause harm to residential amenity. No overlooking would be caused due to the extensions siting away from neighbouring dwellings and no additional overshadowing will be caused.

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 12 of the NPPF.

## **CONCLUSION:**

The proposal is therefore contrary to policy CP6 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF as outlined above. There are no public benefits resulting from the proposal which would outweigh the harm identified to the listed building and character of the wider conservation area. The proposal is therefore recommended for refusal.

## **RECOMMENDATION**

**REFUSE**

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

1 The proposal is contrary to policy CP6 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF as outlined above. There are no public benefits resulting from the proposal which would outweigh the harm identified to the listed building. The proposal is therefore recommended for refusal.

## **PLANS LIST:**

1 This decision relates to the following plans:

Drawing - 4 April 2022 - 12395 SWANN - 04 - Site Block Plan

Revised Drawing - 4 July 2022 - 12395 SWANN 02 REV B - Proposed Plans and Elevations

Revised Drawing - 4 July 2022 - 12395 SWANN 03 REV B - Block Plan

Revised Drawing - 4 July 2022 - 12395 SWANN 04 - Site\_Block Plan

Revised Drawing - 4 July 2022 - 12395 SWANN 05 - Detail Section REV A

Revised Drawing - 4 July 2022 - 12395 SWANN 06 REV A - Detail Section

Revised Drawing - 4 July 2022 - 12395 SWANN 07 REV A - Detail Section

## **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.

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

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

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

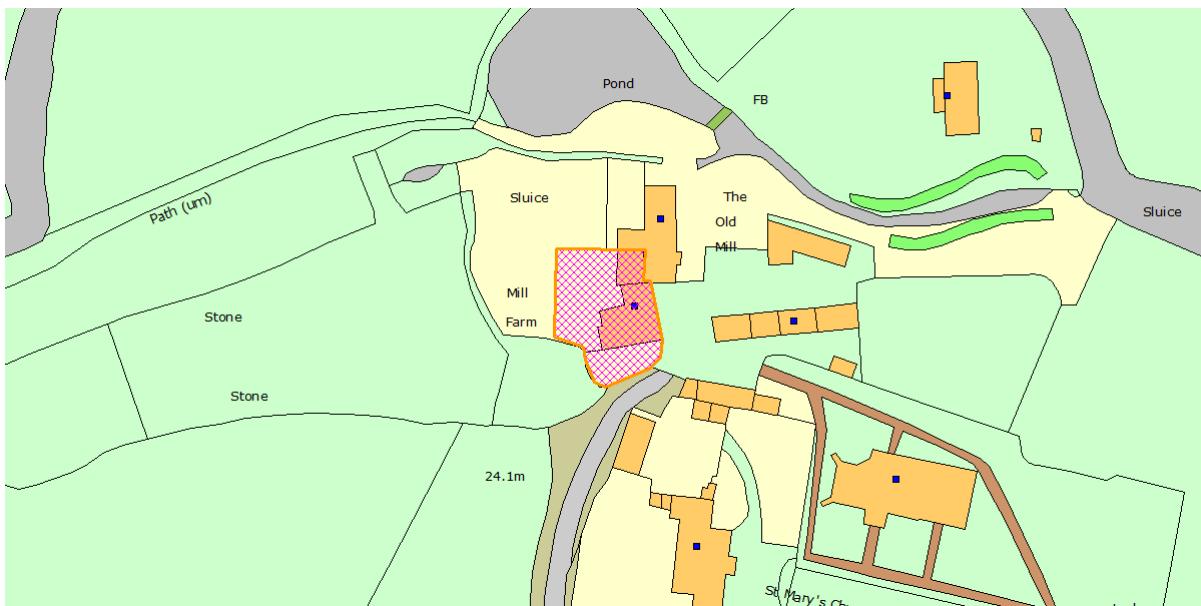
Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

#### **4 Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

**Item No:** 03  
**Application No:** 22/01449/LBA  
**Site Location:** Mill Farm Vicarage Lane Compton Dando Bristol Bath And North East Somerset



**Ward:** Saltford      **Parish:** Compton Dando      **LB Grade:** II  
**Ward Members:** Councillor Duncan Hounsell      Councillor Alastair Singleton  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** External alterations for erection of timber orangery  
**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, Policy M1 Minerals Safeguarding Area, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,  
**Applicant:** Mr and Mrs Swann  
**Expiry Date:** 1st July 2022  
**Case Officer:** Danielle Milsom  
To view the case click on the link [here](#).

## REPORT

Compton Dando Parish Council have supported the application, contrary to the officer's recommendation to refuse. In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee who both decided the application should be debated and decided at the Planning Committee. Their comments are as follows:

Chair's comments:

"I have reviewed this application and note the comments from Compton Dando Parish Council. The officer and applicant have worked together to revise the proposal in order to bring it into line with policy but have been unable to reach a position where, in the officer's

judgment, the balance of harm to the listed building is acceptable. I believe that this aspect of the proposal would benefit from a debate at committee."

Vice Chair's comments:

"I have looked at this application noting CDPC support comments & amendments made as the application has progressed through the planning process.

The application has been assessed against relevant planning policies, but it still felt there would be harm to the listed building however I feel this aspect should be debated in the public arena therefore I recommend the application be determined by the planning committee."

Details of location and proposal and relevant history:

This application is in relation to Mill Farm, a Grade II listed Farmhouse located within the village of Compton Dando. The site falls within the Green Belt.

This application for listed building consent proposes external alterations for erection of timber orangery.

Relevant Planning History:

96/02617/FUL - permit - Alterations to barn

11/04726/LBA - refused - Internal alterations for the removal of ground floor partition and cupboard within lounge areas.

11/04735/FUL - permit - Erection of two storey rear extension.

11/04743/LBA - permit - Internal and external alterations to include general refurbishment to the fabric of the building, addition of new stairs and other alterations to improve living accommodation, provision of a mezzanine floor, replacement of roof on rear to match existing and erection of two storey rear extension.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Conservation: Objection

Representations Received :

None received

## **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) 2021 is national policy in the conservation and enhancement of the historic environment which must be considered 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

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

**Guidance:**

Historic England Advice Note 2 'Making Changes to Heritage Assets' (2016)

Historic England 'Conserving Georgian and Victorian terraced housing - A Guide to managing Change' (2021)

BaNES Draft City Centre Character Appraisal Bath (2015)

BaNES Draft Bathwick Character Appraisal Bath Conservation Area (2018)

## LOW CARBON AND SUSTAINABLE CREDENTIALS

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

## OFFICER ASSESSMENT

### LISTED BUILDING ASSESSMENT

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act

1990, when considering whether to grant listed building consent for any works, to have special

regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This application proposes the erection of a single storey orangery to the rear of the dwelling. The property is an early/mid-19th century grade II listed farmhouse. Its intrinsic interest will be enhanced by the close physical relationship to other mill related structures. It sits at the end of a cul-de-sac lane that primarily serves the church, a grade II\* listed building.

Following comments from the Conservation Officer, revisions were submitted which reduced the size of the proposed orangery. The amendment to the footprint has only resulted in a small reduction in the level of harm to the listed building. The proposed orangery is still considered to be disproportionately large in relation to the size of the house, appearing as a visually dominant addition. Whilst the design of the fenestration has been altered to incorporate glazing bars, rather than large expanses of glass, this is still considered to appear too grand and subsequently jars against the listed building. The addition of the large roof box also adds to the grand appearance which detracts attention from the listed building.

It has been stated in the design and access statement that the orangery would not be seen given its position to the rear of the property. However, this is immaterial. The building is listed in its entirety and all work, whether or not it is visible is subject to the same considerations of impact on significance. Although, in this case a public footpath runs behind the house. The rear of the house is clearly visible from the footpath.

The proposed opening to create access into the orangery has been reduced in size in response to initial conservation comments. This will still result in a small loss of historic fabric, however this is considered to cause a negligible level of harm on the listed building.

It is concluded that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 202 of the NPPF (2021) requires that any harm be weighed

against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the building. It is considered that any benefit from the proposed

orangery would be merely private. It is considered therefore that there are not any public benefits secured by this proposal that would outweigh the harm.

The proposals are not therefore consistent with the aims and requirements of the primary legislation and planning policy and guidance and constitute unacceptable alterations to the listed building and the conservation area that would not preserve the significance as a designated heritage asset, also failing to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 202 of the NPPF.

#### CONCLUSION:

The proposal is therefore contrary to policy CP6 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF as outlined above. There are no public benefits resulting from the proposal which would outweigh the harm identified to the listed building. The proposal is therefore recommended for refusal.

#### RECOMMENDATION

REFUSE

#### REASON(S) FOR REFUSAL

1 The proposed extension by reason of its design, scale and siting will result in an inappropriate addition which would detract from the character of the listed building. There is no public benefit to the proposal which would out-weigh the less than substantial harm identified to the listed building. The proposed development is therefore contrary to Policy HE.1 of The Placemaking Plan for Bath and North East Somerset adopted July 2017 and Paragraph 193 and 196 of the National Planning Policy Framework.

#### PLANS LIST:

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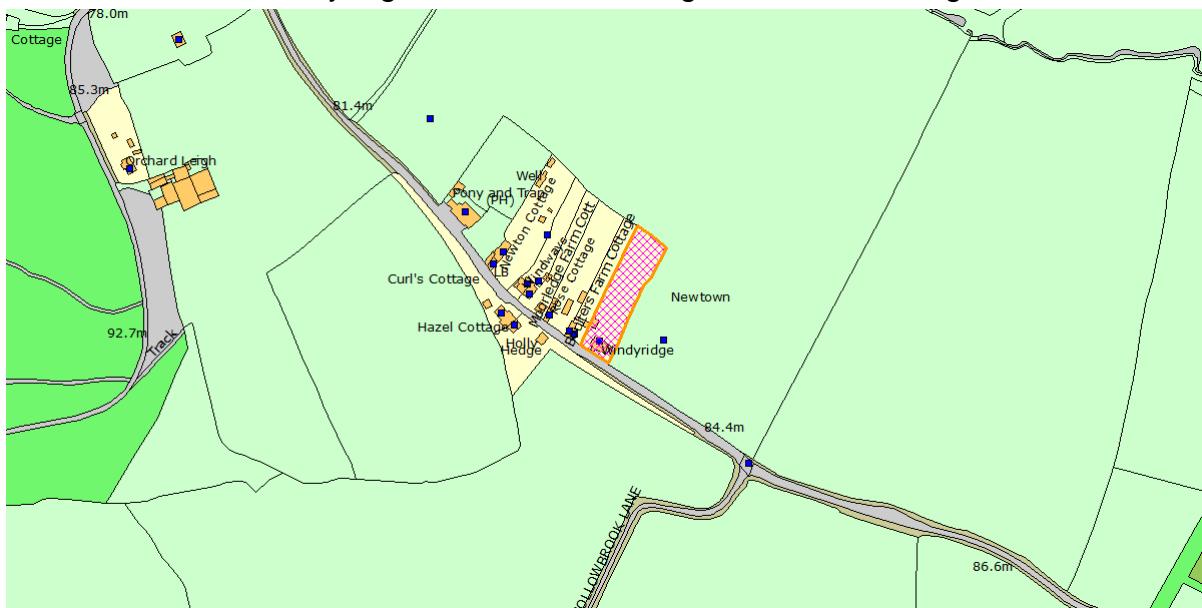
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**Item No:** 04

**Application No:** 22/00371/FUL

**Site Location:** Windyridge Newtown Moorledge Road Chew Magna Bristol



**Ward:** Chew Valley

**Parish:** Chew Magna

**LB Grade:** N/A

**Ward Members:** Councillor Vic Pritchard    Councillor Karen Warrington

**Application Type:** Full Application

**Proposal:** Repair of core historic cottages, demolition of modern extensions and garage, construction of new extension.

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome.

**Applicant:** Mr & Mrs Richard and Donnalee Webb

**Expiry Date:** 29th July 2022

**Case Officer:** Christopher Masters

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

## REPORT

The application refers to Windyridge, a two-storey detached dwelling situated in the hamlet of Newtown, Chew Magna. The site falls within the Bristol-Bath Green Belt.

Planning permission is sought for the repair of a historic cottage, the demolition of some modern extensions and a garage, and the construction of a new extension.

Relevant Planning History:

- o 98/02274/FUL - PERMIT - 28 April 1998 - Two storey extension

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Chew Magna Parish Council - Support. The proposed removal of piecemeal alterations and extensions to this pair of basic 18c. Labourers' cottages and building a connected pair of carefully planned contemporary units on the falling gradient of the curtilage seems to be an innovative

and effective solution that would provide a practical, family dwelling that fits unobtrusively into its rural setting while conserving the historic buildings' heritage.

Conservation - Given high level of alteration to design and external appearance this cottage cannot be regarded as a non designated heritage asset in its own right. Place Making Plan policy HE1 therefore does not apply. Nevertheless, the full weight of the relevant Place Making Plan design policies should be applied to ensure that the scheme is for an extension of appropriate scale, design and materiality.

Ecology - The main dwelling supports day roosts for small numbers of non-breeding common pipistrelle, soprano pipistrelle and brown long-eared bats. Conditions should be attached to secure full and final details of mitigation (which can be in the form of Natural England licence documentation), a pre-occupation compliance report and sensitive lighting.

Landscape - The site is in a prominent hill-top location within the Green Belt and is therefore sensitive in terms of potential landscape and visual impact, but the proposals respond appropriately to their landscape context and subject to suitable Conditions anticipated effects will be acceptable and will not be harmful to the character and appearance of the Green Belt.

Representations Received :

None received

## **POLICIES/LEGISLATION**

Planning policies, legislation & other information relevant to your proposal

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

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

- o Made Neighbourhood Plans

Core Strategy:

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

CP6: Environmental Quality

CP8: Green Belt

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D.3: Urban fabric

D.5: Building design

D.6: Amenity

GB1: Visual amenities of the Green Belt

GB3: Extensions and alterations to buildings in the Green Belt.

NE3: Sites, species and habitats

NE5: Ecological networks

NE2: Conserving and Enhancing the landscape and landscape character

NE2A: Landscape setting of settlements

ST7: Transport requirements for managing development

National Policy:

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).

SPD's:

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

Neighbourhood Plans:

The following Chew Valley Neighbourhood Plan policies are relevant to this application:

- HDE1: Rural Landscape Character
- HDE3: Important Views
- HDE8: Parking for Domestic Dwellings
- HDE9: Sustainable Drainage to Minimise Flooding
- HDE13: Green Corridors and Biodiversity
- HD15: Dark Skies Policy

## 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:

- o Whether the development is appropriate within the green belt.
- o The impact on the character and appearance of the site and wider landscape.
- o The impacts on the residential amenity of surrounding properties.
- o The impact on biodiversity and ecology.

## PRINCIPLE OF DEVELOPMENT:

The proposal is an extension to an existing dwelling where the principle of development is acceptable subject to other material planning considerations discussed below.

## GREEN BELT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

Paragraphs 147 and 148 of the National Planning Policy Framework 2021 (NPPF) set out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The NPPF continues at paragraphs 149 and 150 by setting out the forms of development that are not considered inappropriate in the Green Belt.

One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Additions will be found proportionate where there is a volume increase of about a third

over that of the original building, as highlighted in the 'Existing Dwellings in the Green Belt SPD' and Policy GB3 of the Placemaking Plan. Accordingly, previous modifications to the original dwelling contribute to this calculation.

It is noted from the information submitted that the existing dwelling has a volume of 622.1m<sup>3</sup>. This represents a volume increase of 71% above that of the original dwelling (363.83m<sup>3</sup>). For the purposes of this assessment 'original' is taken as how the building stood on the 1st July 1948.

Given the volume increase of the previous alterations, it follows that the proposed alteration of the buildings would inherently result in a building which is disproportionate in size over that of the original building. It follows that the scheme constitutes inappropriate development within the green belt which is by definition harmful and should not be approved except in very special circumstances. As set out by Paragraph 148 of the NPPF substantial weight must be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. An assessment of this will be made in the Planning Balance section of this report.

It is noted that in this instance the scheme seeks to redistribute the volume of existing buildings on the site and would not increase the volume of built form on the site.

#### CHARACTER AND APPEARANCE:

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

Windyridge comprises a two-storey detached dwelling located within the hamlet of Newtown. The existing dwelling is typical of buildings within the hamlet which are characterised by their traditional form, external finishes of either stone or render and incremental additions.

At present the existing additions largely respond to the form of the host dwelling and do not appear obtrusive. This is largely achieved by their siting and the single storey nature of many elements such as the porches, sunroom and garage.

Whilst of poor quality, the two-storey rear extension does assimilate with the roof form of the original building such that it does not appear as an incongruous addition, especially given it is currently faced with matching render / concrete. The addition is considered broadly successful in balancing the massing of the main part of the dwelling, with the various other additions.

It is understood that the host dwelling historically (1800s) comprised of two modest cottages. However, over time these have been amalgamated into one and undergone

extensive alteration and enlargement such that their original form has been lost. Conservation Officers advise that given the high level of alteration to the design and external appearance of the cottage, the dwelling cannot be regarded as a non-designated heritage asset in its own right. Placemaking Plan policy HE1 therefore does not apply.

The dwelling is located at the easternmost end of the hamlet and occupies a prominent hill-top location within the Green Belt. It is therefore sensitive in terms of potential landscape and visual impact.

The design rational for the development is that the cottage shall be stripped back to the form of the 'original' cottages as they stood in the 1800s with the resultant volume from previous additions being redistributed in the form of a visually discernible rear 'link' extension.

Whilst the demolition of the various latter additions and fundamental design rational of the project is considered acceptable. In this instance it is considered that the proposed 'link' extension, which comprises of two contemporary, two-storey elements is inappropriate in terms of its scale, design and relationship with the other element of the dwelling.

Specifically, the additions would appear disproportionate to what will be read as the 'original' main dwelling. The additions would lack subservience being both considerably deeper and wider than the 'original' element. The volume of the 'link' elements would exceed that of the 'original' element and would dominate the modest scale of the 'original' element.

The height of the rear additions would be such that they exceed the eaves height of the 'original' element further overshadowing it. The use of zinc cladding and brick would be at odds with the established materials palate of the immediate vicinity.

The contemporary design of the 'link' additions in contrast with the traditional and modest form of the 'original' element will make the rear elements appear more dominant and have greater prominence in the street scene. Consequently, it would draw more attention to its unsuitable design and result in greater overall harm to the character and appearance of the street scene and wider landscape.

In summary, it is considered that the proposed scheme would result in two contrasting elements comprising of a modest and simple cottage which is overshadowed and visually dominated by the contemporary additions to the rear. It is not considered that the extensions would complement or enhance the host building. By virtue of its design and prominent location it is considered that the scheme shall appear incongruous within wider views. Accordingly, the scheme is considered contrary to policy CP6 of the adopted Core Strategy (2014) and policies D2, D5, GB1 and NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF.

#### RESIDENTIAL AMENITY:

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

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

## ECOLOGY:

### Designated Sites

The proposals are not within or immediately adjacent to any sites designated for their nature conservation interest.

### Habitats

The EclA produced by Clarkson and Woods Ltd dated December 2021, identifies that the site comprises a residential property with adjacent garage and associated garden. The garden supports improved grassland including patches which are unmown and surrounded by hedgerows.

### Protected Species

The habitats on site are considered suitable to support bats, nesting birds and reptiles. It has also been confirmed that the main dwelling supports day roosts for small numbers of non-breeding common pipistrelle, soprano pipistrelle and brown long-eared bats.

The submitted information provides sufficient information on which to base a planning decision. An EPS licence will be required for this proposal and therefore the local planning authority must consider the "three tests" of the Habitats Regulations, and be satisfied that they would be met and a licence would be likely to be obtained.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The public benefits should be commensurate with the level of impact. The roof of the existing dwelling is in need of repair to ensure the building remains in good condition and damage to the dwelling is avoided due to weather ingress. There are sustainability benefits in replacing the existing additions which are understood to be of poor quality. Furthermore, although modest in size, the level of conversion will provide jobs in the construction phase, albeit only for a short period of time. The test can be said to be passed.

Test 2 - There is no satisfactory alternative.

It is proposed for the roof to be replaced on a like for like basis and all roost habitat will be reinstated. Additional roost features shall be provided which are understood to provide roost enhancement for the affected bat populations.

The submitted information sets out that the applicant and their planning agent have, with input from an ecological consultant, researched alternative solutions to the proposed work which will result in impacts on the known bat roosts present within the roof structure and void. However, the impacts cannot be avoided as the roof containing the roosts needs to be repaired as it is currently in a poor condition.

Other alternatives such as a complete demolition would not be a suitable alternative as this would result in the loss of the building. If the roof is left in its present condition it is likely to deteriorate over time which shall eventually result in the loss of the roost as well as damage to the dwellinghouse.

It is considered that there is no satisfactory alternative other than what is put forward as these works are necessary to avoid damage over time to the dwellinghouse.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species.

The Ecological Impact Assessment report and follow-up letter includes details of a bat mitigation and compensation scheme and proposes works should proceed under a Bat Mitigation Licence. This approach and the proposed mitigation and compensation measures are considered acceptable. Based on the proposed mitigation the Council's Ecologist is satisfied that the proposal will not harm the conservation status of the affected species and that this test of the Habitats Regulations will be met. It is therefore considered that the third test of the habitats regulations is met i.e. that conservation status of the affected species will not be harmed.

If the development is found to be acceptable conditions should be attached to secure full and final details of mitigation (which can be in the form of Natural England licence documentation), a pre-occupation compliance report and sensitive lighting.

#### LOW CARBON AND SUSTAINABLE CREDENTIALS:

It is acknowledged that the existing additions are of poor quality and that their replacement is sought, in part, to provide improvements in energy efficiency.

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.

#### PLANNING BALANCE:

As indicated in the report above, the proposal represents inappropriate development in the Green Belt. Local Planning Authorities should ensure, when assessing planning applications, that substantial weight is given to any harm to the Green Belt. Paragraph 148 of the NPPF states that "Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

The harms identified by the proposal are as follows:

- o Harm to the Green Belt by reason of being considered, by definition, inappropriate development in the Green Belt. As such, the proposals fail to comply with Part 13 of the NPPF and policy CP8 of the Bath and North East Somerset Core Strategy;
- o Harm to the character and appearance of the host dwelling and wider street scene contrary to policies D2 and D5 of the Placemaking Plan for Bath and North East Somerset;
- o Harm to the landscape character of the area contrary to policies GB1 and NE2 of the Placemaking Plan for Bath and North East Somerset.

#### OTHER CONSIDERATIONS:

It is noted that the scheme seeks to redistribute the existing volume of built form on the site and would therefore not increase the volume of built form on the site. This can be afforded substantial weight. Additionally, the creation of jobs during construction can be given weight as a benefit of the scheme. The development is relatively small and therefore this contribution will be limited; this benefit is afforded limited weight.

In summary the matters which weigh in favour of the application are considered to be:

- o The scheme seeks to redistribute the volume of existing buildings on the site and would not increase the volume of built form on the site.
- o Job creation during construction

Overall, given the weight which can be afforded to the other considerations in this instance, it is found that the other considerations in this case do clearly outweigh the identified harm to the Green Belt, which is given substantial weight, coupled with the other harms of the development. Consequently, very special circumstances necessary to justify the development, in green belt terms, exist. As such, the proposal is considered to accord with policy CP8 of the Bath and North East Somerset Core Strategy, and Section 13 of the NPPF.

#### CONCLUSION:

Whilst the proposed development is considered acceptable in Green Belt terms, the proposed development would still cause unacceptable harm to the character and appearance of the existing dwelling, the site and its wider setting. Accordingly, the scheme is considered contrary to policy CP6 of the Core Strategy (2014) and policies D2, D5, GB1 and NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF. It is therefore recommended that permission be refused.

#### RECOMMENDATION

REFUSE

#### REASON(S) FOR REFUSAL

1 By virtue of the two contrasting elements' siting, scale, massing and materials, the proposed scheme will result in the modest form of the traditional cottage being visually

dominated by the contemporary additions to the rear. It is not considered that the extensions would complement or enhance the host building. The scheme is considered contrary to policy CP6 of the adopted Core Strategy (2014) and policies D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF.

2 The proposed development, due to its design and prominent position would be detrimental to the visual amenity of the Green Belt and local landscape character. The proposed development is therefore be contrary to the development plan, in particular policies GB1 and NE2 of the Placemaking Plan, and the National Planning Policy Framework.

## **PLANS LIST:**

1 This decision relates to the following plans:

Received 9th June 2022

6625.205D ROOF PLAN PROPOSED

Received 7th June 2022

6625.201D BLOCK PLAN PROPOSED  
6625.203D GROUND FLOOR PLAN PROPOSED  
6625.204D FIRST FLOOR PLAN PROPOSED  
6625.220D SECTIONS AA, BB PROPOSED  
6625.240A SOUTH ELEVATIONS EXISTING & PROPOSED  
6625.241A EAST ELEVATIONS EXISTING & PROPOSED  
6625.242A NORTH ELEVATION PROPOSED  
6625.243A WEST ELEVATIONS EXISTING AND PROPOSED  
V2.5 GARDEN CONCPET PLAN

Received 26 Jan 2022

6625.103 GROUND PLAN EXISTING  
6625.104 FIRST FLOOR PLAN EXISTING  
6625.105 ROOF PLAN EXISTING  
6625.112 GARAGE ELEVATIONS EXISTING  
6625.120 SECTIONS AA BB CC EXISTING  
6625.130A AREA FOR DEMOLITION  
6625.200D SITE PLAN PROPOSED  
6625.100 LOCATION PLAN EXISTING

## **2 Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal

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

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.