

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **23rd August 2023**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

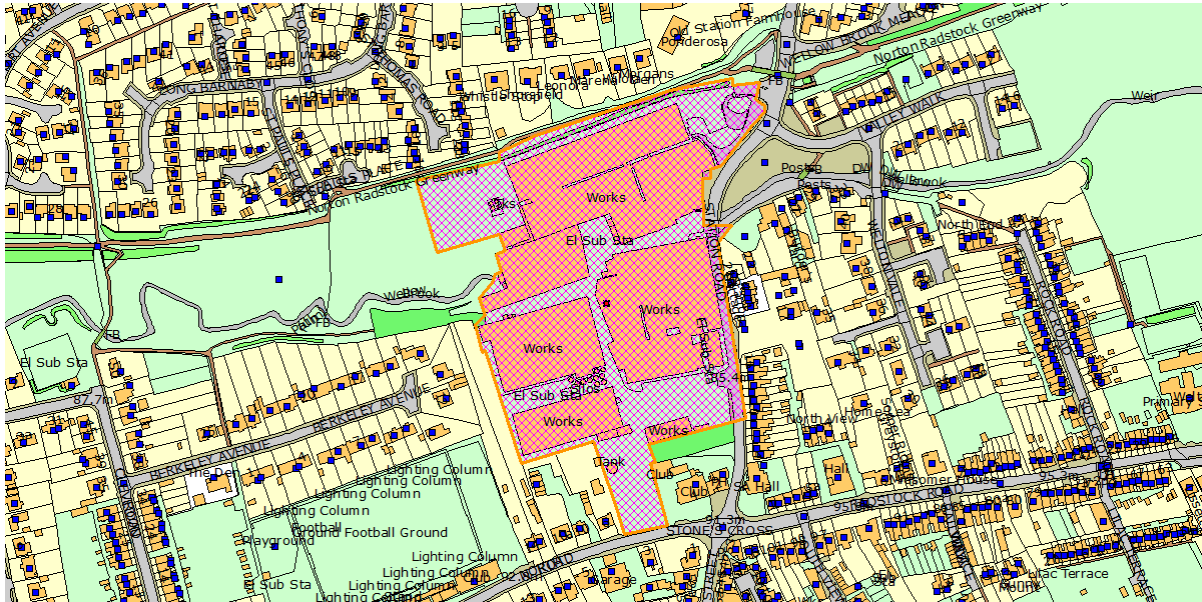
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	22/03580/FUL 28 July 2023	MNRE Former Welton Bibby And Baron Factory, Station Road, Welton, Midsomer Norton, Bath And North East Somerset Application for 'enabling works' in preparation for the Policy SSV4 site redevelopment including demolition, groundworks, flood mitigation and formation of 2m footpath along Station Road frontage.	Midsomer Norton North	Chris Griggs- Trevarthen	Delegate to PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 22/03580/FUL
Site Location: Former Welton Bibby And Baron Factory Station Road Welton
Midsomer Norton Bath And North East Somerset



Ward: Midsomer Norton North **Parish:** Midsomer Norton **LB Grade:** N/A

Ward Members: Councillor Shaun Hughes Councillor Michael Auton

Application Type: Full Application

Proposal: Application for 'enabling works' in preparation for the Policy SSV4 site redevelopment including demolition, groundworks, flood mitigation and formation of 2m footpath along Station Road frontage.

Constraints: Agricultural Land Classification, Coal - Standing Advice Area, Coal - Referral Area, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, Housing Development Boundary, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy M1 Minerals Safeguarding Area, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, Neighbourhood Plan, Policy PCS6 Unstable Land-Coal Mining Le, SSSI - Impact Risk Zones,

Applicant: MNRE

Expiry Date: 28th July 2023

Case Officer: Chris Griggs-Trevarthen

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

REPORT

UPDATE: Further updates have been made to the report to clarify matters in respect of heritage policies, conditions and s106 obligations.

Reason for reporting to committee

Councillor Shaun Hughes has requested that the application be reviewed by the planning committee (see full comments in representations section below). 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. Duncan

"The application, if approved, would involve a departure from the development plan. The application proposes demolition of a non-designated heritage asset. The site and the proposals will have wide public interest. I believe that the weighing of the planning balance - harm vs benefits - should be determined in public by the committee"

Vice-Chair, Cllr. Ian Halsall

"In light of the planning balance between enabling the regeneration of the site and improving pedestrian safety, and the loss of the brewery building which constitutes a non-designated heritage asset and the loss of which is in conflict with criterion 3 of policy SSV4, the harm versus the considered public, economic and indeed heritage benefits of the enabling works as a whole should be debated and determined by the Planning Committee."

The application was presented to the Planning Committee on 26th July 2023 and was deferred to allow members to undertake a site visit scheduled for the 14th August 2023. Furthermore, following a review and in an effort to provide additional certainty and clarity there have been some minor amendments to the committee report, most notably the recommendation which has now been changed to DELEGATE TO PERMIT to allow for the completion of a s106 agreement to secure the delivery of the highways works.

Details of location and proposal

The application site comprises the former Welton Bibby and Baron Factory which lies just to the north of Midsomer Norton High Street and is allocated for a mixed use redevelopment under policy SSV1 of the Placemaking Plan. The application site boundary also extends to the east and encompasses Station Road which lies adjacent to the allocation.

The site is positioned on the steep north facing valley side, sloping down from the ridge at North Road to the Wellow Brook base. There is a drop of approximately 10m from the valley ridge down to Wellow Brook, and a similar level change on the south facing slope on the other side of the brook against the former railway line. The former factory buildings and ancillary uses occupy the majority of the 5.3ha site and is now largely vacant.

The site lies to the north of Midsomer Norton High Street. The Midsomer Norton Conservation area lies immediately to the east and overlaps a small part of the site

including Station Road and the façade of the former brewery building on the east side of the allocation.

The application seeks permission for several 'enabling works' including:

1. Demolition of all former factory and ancillary buildings within the area described as phase 1
2. Demolition of the Old Brewery Building (Identified as a non-designated heritage asset)
3. Widening the footway on the east side of Station Road
4. Widening of Station Road carriageway
5. Creating a new footway on the west side of Station Road
6. Constructing a new stone retaining wall to the edge of the site with a pedestrian access point
7. Two new pedestrian crossings; one each at the north and south ends of Station Road
8. New tree planting/landscaping along the eastern boundary of the site

Although shown on some of the submitted drawings, the applicant has confirmed that the pedestrian crossing on North Road, public square adjacent to North Road and the line of tree planting adjacent to Berkeley Avenue are all shown for illustrative purposes and planning permission is not sought for these items and they do not form part of the description of development.

Relevant Planning History:

Outline planning permission was granted on 12 April 2018 following an appeal for:

Demolition of existing buildings and mixed use redevelopment for employment (including light industrial/office B1 and B2 uses, A1, A3 and A4 retail uses including a convenience store and public house and A5/C1 uses including a hotel); institutional uses (C2 and D1) and residential uses (market and affordable C3 uses) including approximately 3,730 sqm of employment development and 200 housing units and associated car parking, landscaping and roads/links

This planning permission would now appear to have lapsed and is no longer extant.

Environmental Impact Assessment

The application proposals are considered, as part of a wider redevelopment of the allocation, to be an urban development project which has an overall area of more than 5 hectares. It has therefore been screened under the Environmental Impact Assessment Regulations 2017. The screening opinion concludes that the project will not have a significant impact upon the environment and therefore does not represent EIA development.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: No objection, subject to condition

PLANNING POLICY: No objection

ARCHAEOLOGY: No objection

DRAINAGE AND FLOOD RISK: No objection

ECOLOGY: No objection, subject to conditions

CONSERVATION: Scope for revision

Advice was given at the pre application stage under 22/00321/PA03 about the proposed enabling work. The key heritage issue was and still is the proposed demolition of the former brewery buildings, a non designated heritage asset and the impact this will have on the character of the designated conservation area.

The originally submitted application proposed moving the "rebuilt" portion of the façade further north away from the historic location of the brewery buildings and the substitution of buildings and walls with tall railings. This would have ratcheted up the level of heritage harm caused by the scheme to be factored into the overall planning balance in determining the application.

The criteria set out in policy SSV4 for development of the site intended to safeguard heritage significance would have been effectively stripped away by this approach leaving a standard scheme that failed to respect its historic context.

Given the much higher level of heritage harm identified in connection with these proposals the level of any public benefit would have needed to be commensurately high to decisively outweigh the harm.

The revised plans date stamped the 14th December 2022 have restored the rebuilt elevation to the historic location and stone walling for the boundary is proposed instead of railings. This will improve the sense of enclosure and the overall quality of the streetscene compared to the original submission. There will however, still be a degree of less than substantial heritage harm due to the demolition of the brewery buildings and the impact on the character of the conservation area.

MIDSOMER NORTON TOWN COUNCIL: Support

It is a decade since this large and important brownfield site in the middle of Midsomer Norton became empty and derelict. The Town Council is thoroughly in favour of its development for the benefit of the community. The previous application 16/02607/OUT was granted on appeal in 2018. The appeal lasted only a day and a half of its scheduled four days because the Planning Authority and the Applicant reached an agreement - an agreement which would have been more cheaply and expeditiously reached outside the Appeal setting.

However, the very large site has in fact remained a derelict and negative presence in the town since the 2018 appeal as well as before. Meanwhile easy-to-develop green field sites on the edge of Midsomer Norton have come forward, several of them in Mendip. They are further from the town centre and without this site's easy access to the transport

infrastructure, such as it is. The planning process has therefore not served the people of Midsomer Norton well. The Town Council is concerned that it should do better this time.

The non-designated heritage asset of the derelict brewery buildings is an oppressive presence in Station Road, preventing the building of a pavement for pedestrians and making a sense of enclosure which is not necessarily attractive to the residents or passers-by. In an ideal world the Town Council would favour its retention and re-use as a heritage building, but its position is to the detriment of the community. The proposed re-use of some of its materials as a memorial and indication of its presence is in the opinion of the Town Council a reasonable compromise, and the space and air and pedestrian/cyclist amenity along Station Road is to be resoundingly welcomed.

COUNCILLOR SHAUN HUGHES: Call-in request

The old brewery building has historic significance locally and is located within a conservation area, therefore the impact on a heritage asset should be given significant consideration. I appreciate the proposal offers some benefits including a path although the connectivity with the existing pathways at stones cross and the high street is not clear, connectivity with cycleways and cycle lanes should be given consideration.

To be clear, I have not formed an opinion either way but believe there are sufficient issues and areas of local concern to warrant a committee review.

THIRD PARTIES/NEIGHBOURS: Summaries below

1 **OBJECTION** comments has been received. The main points raised were:

Concern that the application is premature and is an attempt to circumnavigate some of the conditions and requirements of the previous planning permission, in particular the demolition of the brewery building. The demolition of this building is contrary to policy. Pedestrian links to the High Street should be developed through the site rather than on the main road

Concern that the change in climate over the last 5 years means that the flood risk assessment is out of date and not suitable for the current application or the wider redevelopment.

Concerns about the lack of community consultation.

3 **SUPPORT** comments have been received. The main points raised were:

It was considered that the plans for Station Road would bring benefits for local people by improving safety for pedestrians and vehicles.

It was considered that the investment from this proposal will boost the town's economy.

It is hoped that the plans are not delayed but undertaken as soon as possible.

10 GENERAL comments have been received. The main points raised were:

There is uncertainty as to why the scheme proposes a pedestrian route along the widened A362, over a safer, less polluted route through the development as per the previous permission.

It is noted that there has been no change in circumstances to warrant a rethink about the demolition of the brewery buildings. This should be an opportunity to enhance the setting and status of the older building through its re-use.

There is a request for further drawings to understand the impacts upon residents of Berkeley Avenue and others.

There is a request for further tree planting to be shown along the southern and other boundary with North Road to protect the privacy of residential dwellings and for reasons of visual amenity.

It is noted that the new footpath will improve the visual appearance of the area, but it is requested that a cycle path be included as well.

Support for redevelopment of this eyesore site but concerns about the level of community consultation undertaken.

More information requested on the type of SUDs being implemented for flood mitigation. Although risk is low, a riparian buffer should be considered along the 200m stretch of stream running under the factory.

Concerns about non-native invasive species and the impacts upon riverbanks.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

Bath & North East Somerset Core Strategy (July 2014)
Bath & North East Somerset Placemaking Plan (July 2017)
Bath & North East Somerset Local Plan Partial Update (2023)
West of England Joint Waste Core Strategy (2011)
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:

CP5 Flood Risk Management
CP6 Environmental Quality
CP13 Infrastructure provision
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:

- SV1 Somer Valley Spatial strategy
- SV2 Midsomer Norton Town Centre Strategic Policy
- CP12 Centres and Retailing
- D1 General urban design principles
- D2 Local character and distinctiveness
- D3 Urban fabric
- D4 Streets and spaces
- D5 Building design
- D6 Amenity
- D10 Public realm
- HE1 Historic environment
- NE2A Landscape setting of settlements
- SU1 Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced several new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

- DW1 District Wide Spatial Strategy
- CP7 Green infrastructure
- D8 Lighting
- NE1 Development and green infrastructure
- NE2 Conserving and enhancing the landscape and landscape character
- NE3 Sites, species, and habitats
- NE3a Biodiversity Net Gain
- NE5 Ecological networks
- NE6 Trees and woodland conservation
- PCS5 Contamination
- ST2A Recreational routes
- ST7 Transport requirements for managing development
- SSV4 Former Welton manufacturing site

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Transport and Development Supplementary Planning Document (January 2023)

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).

CONSERVATION AREAS:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Heritage
3. Design, character and appearance
4. Archaeology
5. Residential amenity
6. Highways and sustainable travel
7. Drainage and flood risk
8. Ecology
9. Planning conditions and legal agreements
10. Public sector equality duty
11. Other matters
12. Planning balance

1. PRINCIPLE OF DEVELOPMENT

The allocation policy SSV4 requires a 'comprehensive' mixed use redevelopment of the site. The word 'comprehensive' in this context is to ensure that there is a co-ordinated approach to redevelopment in line with a masterplan which ensures optimal outcomes for the site. There is clearly a danger to allowing piecemeal works which could result in sub-optimal outcomes or abortive works. Proposals must therefore be able to demonstrate that they will not prejudice the delivery of a comprehensive redevelopment of the site.

The previously approved outline planning permission did provide a high-level masterplan for the site, but this permission has now lapsed and can no longer be implemented. Whilst an 'indicative masterplan' drawing has been submitted, this application does not seek permission for matters shown on this drawing and approval of the masterplan is not within the scope of this application. However, it does have a role to play as a piece of evidence

demonstrating how the currently proposed works would not prejudice the development of the wider allocation.

The current application is for 'enabling works' and would entail some demolition and site preparation alongside highways improvement works to Station Road. The limited extent of these proposed works means that they would be unlikely to prejudice the later delivery of a comprehensive mixed use redevelopment of the site. In fact, the applicant argues that the 'enabling works' will allow redevelopment proposals to be brought forward sooner and make the site more attractive to potential investors.

The illustrative masterplan submit also demonstrates how a future scheme could come forward in line with the currently proposed works. Whilst the merits of the masterplan are not being assessed as part of this application, the illustrative drawing does provide some further comfort that the currently proposed works will not prejudice the delivery of the wider allocation.

Whilst there remains the possibility for some of the proposed works to ultimately be abortive should changes be required when detailed proposal for the wider redevelopment come forward later, given the scale of the works this is not considered to be a significant issue or to prejudice the delivery of the wider allocation.

The principle of the proposed 'enabling works' is therefore acceptable.

2. HERITAGE

The proposals involve the demolition of the three-storey, former Brewery buildings on the eastern side of the allocation site. This building falls partly within the Midsomer Norton Conservation Area and is identified as a non-designated heritage asset.

Significance of Midsomer Norton Conservation Area

The Midsomer Norton Conservation Area Appraisal (April 2018) identified the brewery building to be of heritage value and states:

.....Station Road slopes down to Wellow Brook. The topography combined with the enclosure provided by the imposing landmark three storey former Welton Brewery building and the stepped terraces of Nos 4-16 together with their front boundary walls forms a distinct visual character.

....The brewery building is a positive building and a local heritage asset..... as part of the redevelopment it is essential that this important building is restored and new use(s) found

The loss of the brewery building is therefore considered to negatively impact upon the character and appearance of the Conservation Area and its setting. The level of harm to the significance of the Conservation Area is considered to be 'less than substantial'.

Significance of non-designated heritage asset

The Historic Building Report submitted with the application concludes that the brewery buildings are a non-designated heritage asset of moderate value with their significance derived from their evidential (archaeological), historic and architectural interest.

Whilst there has clearly been significant alteration and additions to the buildings as a result of conversion to later industrial processes both the northern and the southernmost building spaces survive without any internal subdivision (at least on the ground and first floor which were the only levels accessed). There is still a good deal of evidential fabric in all the buildings. Some floor plan legibility is also retained in the sense that each building remains legible in its own right and no structural external or internal walls have been removed. Internal subdivision in Building 2 is not difficult to discern given the new work is generally concrete block work (ground floor) or timber studwork (first floor) with some modern plaster.

The arched openings throughout the buildings reference an industrial aesthetic directly related to the brewing industry where large openings were crucial for the movement of large pieces of equipment such as barrels.

The lack of survival of a legible brewing circulation plan, or any equipment, and including significant alterations, does compromise the value of the evidential fabric, but even so, enough structural fabric, features and indeed floor plan layout, survives for there to be a degree of evidential value on past brewing operations inherent in the fabric of the Buildings.

The relationship of building fabric to historic value is close and symbiotic in the sense that the structure, plan and materials of the buildings help illustrate the history of the site. The survival of the Buildings within the wider site and townscape has some historic illustrative value in their ability to help narrate the story of brewing (and of the latter printing/packaging industry) within the town.

This recognition also provides a degree of historic associative value. The associative connections to the Thatcher family who appear to have dominated the brewing industry in the town (various Thatcher's being owners of both the North Brewery and the Welton Old Brewery) also contributes to these values.

In terms of architectural value, there is a clear progression to the development of the buildings (evident in their building design) which offers information on the development and refinement of the architecture of brewing within the locality. This is evidenced in the way that the industrial vernacular of the buildings becomes progressively more refined and designed with each building; Building 1 incorporating design elements that directly reference an established mid-19th century industrial aesthetic (red brick detail, dressed arched openings, metal windows with louvres for ventilation, metal structural members).

The architectural value of the buildings is largely embodied in the external elevations, though some internal features are of some interest. It is also reasonable to assume with the removal of the rear (west) sheds, that the architectural treatment of the rear elevations would also contribute to the overall architectural value.

The proposals will result in the total loss of the non-designated heritage asset.

Development plan policies

The allocation policy SSV4 states the development of the site must, inter alia:

"Enhance the Conservation Area and its setting including the retention and reuse of the former brewery building, with a strong presumption in favour of its physical preservation, subject to robust economic viability testing measured against the value of the whole development allocation and taking full account of the heritage value and wider possible uses of the former brewery building."

In addition, the previously approved scheme (ref: 16/02607/OUT) included the retention of the brewery building, albeit given the outline nature of that permission it was not clear exactly how it was intended to be re-used. Furthermore, this permission has now lapsed and cannot be implemented.

The proposals will result in the total loss of the former brewery building. Furthermore, the application is not supported by economic viability testing for different possible re-uses of the former brewery building nor is it possible to undertake such viability testing without an extant scheme to measure it against the value of the whole development allocation.

The proposals are therefore considered to be contrary to this element of policy SSV4.

In addition, policy HE1 of the Placemaking Plan requires, inter alia, the following:

"Great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset."

In respect of Conservation Areas, policy HE1 also states:

"Development, including any proposed demolition, within or affecting the setting of a conservation area will only be permitted where it will preserve or enhance those elements which contribute to the special character or appearance of the conservation area. The Council will look for opportunities from new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance."

The proposals will result in less than substantial harm to the significance of the Conservation Area, due to the loss of a brewery building which makes a positive contribution towards its special character and appearance. Great weight is afforded to this harm. However, in this case it is considered that the harm identified is justified given that the improvements to Station Road cannot physically be delivered without the demolition of the brewery building. It is also considered that the public benefits arising from the development outweigh the harm identified.

Primary amongst these are the proposal for highways improvements to Station Road. As discussed in the highways section below, the existing situation on Station Road is very hostile for pedestrians. The proposed improvements include:

1. Widening of the Station Road carriageway
2. Provision of a 2m footpath along west side of Station Road
3. Widening of footpath to 1.8m along east side of Station Road
4. Provision of two pedestrian crossing points on Station Road

Not only will these works improve the experience for users of Station Road, but they will also improve the connectivity for both future inhabitants of any redevelopment on the allocated site as well as for members of the wider public. Additionally, it is important to note that the Highways Officer considers these works to be the most convenient and efficient way to provide highways and pedestrian improvements along Station Road in the foreseeable future given the current widths and land ownership.

The proposals therefore represent a positive opportunity to secure highways improvements which will directly address the aims of policies ST1 and ST7 of the LPPU by supporting "genuine" and "realistic" opportunities to travel by sustainable modes of transport, increasing the potential of residents using active travel or public transport to make journeys along Station Road.

There are further public benefits arising from the economic benefits of the proposals and the merits of taking an 'enabling work' approach which will improve the chances of the allocation site coming forward for development. Whilst both relatively minor benefits, they add cumulatively to the substantial public benefits of the proposals.

Additionally, the proposals include rebuilding the 'brewery elevation' along the eastern boundary at the top of the new embankment along Station Road. The rebuilding of these facades using reclaimed stone from the existing building would help to capture some of the sense of the dramatic enclosure provided by the existing three storey building whilst retaining some sense of the architecture and history of the former building.

The height and positioning of the rebuilt elevation have been amended throughout the application process and this has improved the sense of enclosure and the overall quality of the street scene compared to the original submission.

In addition, the conservation officer agrees that the removal of the other modern visually intrusive industrial buildings on the site would enhance the setting and significance of the conservation area. This aligns with the views of the planning inspector who, when considering the previous appeal proposals, came to a similar conclusion regarding the removal of the modern industrial buildings.

Although somewhat counter intuitive, demolition of the brewery building could also deliver further heritage benefits, via the greater connectivity achieved between the High Street and the Station Road area through the creation of the new footpath. Seeking improved pedestrian links from Station Road to the town centre was identified as an enhancement opportunity in the Midsomer Norton and Welton Character Appraisal. Additionally, views from the west side of the Station Road would also give a fresh perspective on the stepped

terrace on the east side of the road (No's 4 - 16) and the contribution that it makes to the character of the conservation area.

In respect of whether it has been demonstrated that all reasonable efforts have been made to sustain the asset or mitigate the level of harm, whilst there has been no viability assessment undertaken, the reason for this is that the application is making a fundamentally different argument to that presupposed by the policy, given that the improvements to Station Road cannot physically be delivered without the demolition of the brewery building. A review of an economic viability case or possible reuses therefore does not make sense in this case as retention or reuse would be incompatible with the proposed improvement works.

In respect of non-designated heritage assets, policy HE1 states:

"Proposals affecting non-designated heritage assets, including unscheduled archaeology, unlisted buildings and local parks and gardens, should ensure they are conserved having regard to their significance."

The former brewery buildings hold moderate significance and great weight is afforded to the total loss of the asset. However, this harm is justified given that the improvements to Station Road cannot physically be delivered without the demolition of the brewery building. It is also considered that the public benefits arising from the development (identified above) outweigh the harm identified.

In respect of whether it has been demonstrated that all reasonable efforts have been made to sustain the asset or mitigate the level of harm, whilst there has been no viability assessment undertaken, the reason for this is that the application is making a fundamentally different argument to that presupposed by the policy, given that the improvements to Station Road cannot physically be delivered without the demolition of the brewery building. A review of an economic viability case or possible reuses therefore does not make sense in this case as retention or reuse would be incompatible with the proposed improvement works.

Whilst the proposal does not comply with criterion 7(c) of policy HE1, in that it fails to preserve or enhance those elements which contribute to the special character or appearance of the conservation area, it is considered that when the proposals are weighed against the public benefits, as required by the other parts of HE1, the harm is considered to be justified.

Statutory duties

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. In this instance, the proposals result in the loss of the former brewery building which makes a positive contribution to the Conservation Area. This will not preserve nor enhance this part of the Bath Conservation Area and as such this proposal fails to meet this requirement.

NPPF

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

As identified above, the proposals will result in less than substantial harm to the Conservation Area.

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 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.

The identified harm is therefore given great weight.

In this case, it is considered that the public benefits of the proposals (identified under the Development plan policies section above) are significant and outweigh the less than substantial harm identified.

Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The former brewery buildings hold moderate significance and there would be a total loss of the asset as a result of the proposals. This weighs against the proposals.

3. DESIGN, CHARACTER AND APPEARANCE:

The existing modern industrial buildings on the site are utilitarian in nature and dilapidated in appearance. Their demolition is considered to have a positive impact upon the character and appearance of the area.

As noted in the heritage section above, the brewery building makes a positive contribution towards the character of this area. Its loss will therefore have a detrimental impact upon the character of the area.

The lack of footpath on its west side, narrow footway on its east side, the imposing nature of the tall retaining walls and three storey brewery building give Station Road something of an overbearing character when traversed as a pedestrian. In addition, the A362 is a busy main road and the restricted footway widths mean that the experience of walking this route to and from the High Street can be unpleasant and stressful.

The proposals involve the demolition of the frontage buildings to enable the street to be widened and a new footpath on the west side to be installed alongside two new crossings. A low wall built from reclaimed stone will border the new pavement behind which will be a grassed embankment sloping up to the ground level of the main allocation site which will be marked by a 1.15m high stone wall. Behind this, the proposals include the planting of several new trees.

In line with where the existing brewery building is situated, but moved pushed back to accommodate the widened street, the historic façade of the brewery will be reinstated along the boundary of the allocation site at the top of the new grass embankment.

The widened street and sloped grass embankment will open new views and lessen the overbearing nature of the current retaining walls and buildings to its west side. Alongside the proposed tree planting and landscaping, these changes will improve the visual amenity and experience of this part of Station Road. These changes are therefore considered to have a positive impact upon the character and appearance of the area.

4. ARCHAEOLOGY:

There is limited evidence of the site holding much in the way of archaeological interest. However, an archaeological Written Scheme of Investigation has been submitted and reviewed by the Council's appointed archaeologist. The scheme is appropriate in its scope and so there are no archaeological objections to this proposal.

5. RESIDENTIAL AMENITY:

There are several residential properties which lie directly opposite the application site on the west side of Station Road. The proposals will not adversely affect these properties in terms of their privacy, outlook or light. The demolition of some of the existing buildings on the site may improve the outlook and light received by some of these properties.

Comments have been received from properties on Berkeley Avenue and North Road requesting landscaping be extended to the parts of the site adjacent to these properties. Whilst some of the submitted drawings do show some landscaping along the western boundary of the site and a few trees located in a public square to the south (adjacent to north Road) these features are not part of the current planning application for 'enabling works' and will not be delivered by the proposals. Given some of the uncertainty created by the inclusion of these features on some of the drawings, a condition is proposed to clarify the extent of works authorised by any planning permission granted.

The proposed enabling works would not adversely affect any of the properties on North Road or Berkeley Avenue. There is therefore no requirement for landscaping mitigation in these areas. However, this does not preclude the possibility of landscaping being provided in these areas as part of any future comprehensive redevelopment proposal.

A construction and demolition plan has been submitted with the application. Whilst the principles contained within these documents are acceptable, the application has been revised since its original submission and the documents will need to be updated to relate to the revised scheme. This can be secured by condition.

Subject to appropriate conditions it is concluded that 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 and part 12 of the NPPF.

6. HIGHWAYS AND SUSTAINABLE TRAVEL

As already noted, the narrow footway on the east side of Station Road is currently the only option for pedestrians traveling south to access the High Street. Its limited width means that it would be difficult for pedestrians traveling in opposite directions to pass each other, particularly in a wheelchair or pushing a buggy, without stepping off the pavement into the carriageway. Given the heavily trafficked nature of the A362, this is not conducive to highway safety and will likely deter pedestrians from utilising this route.

The provision of 2m footways along the west side of Station Road, the widening to 1.8m of the eastern footway and the provision of two additional controlled crossings are acceptable in principle. These crossing facilities will provide improved links to local schools and to the northern end of the High Street.

The Highways Officer highlights the significant benefits to the highway and pedestrian environment offered by the current proposals which go beyond those envisaged in the previously approved outline planning permission. These include:

- Improvements to the main site access with Station Road in the form of improved visibility splays due to the demolition of frontage buildings;
- Improve pedestrian accessibility along Station Road in the form of the new and improved pedestrian footways and crossings between the former railway viaduct and Welton Green to the north and Stone's Cross junction to the south.

They consider that the provision of this link will provide substantial betterment to the existing pedestrian provision along Station Road, improving connectivity to both future inhabitants of any redevelopment proposals on the Former Welton Manufacturing site as well as members of the wider public. The Highways Officer also notes that they consider the enabling works to be the most convenient and efficient way to provide highway and pedestrian improvements along Station Road in the foreseeable future given current widths and land ownerships.

Some comments received have queried why a greater value has been attributed to an improved pedestrian route along Station Road, over a safer, less polluted route through the centre of the allocated site as shown on the previous permission. Firstly, the provision of an improved pedestrian route along Station Road does not prevent the possibility of a new pedestrian route through the centre of the allocation coming forward at a later date. Secondly, an improved pedestrian route along Station Road adds to the connectivity and choice for active travel users and alleviates highway safety issues associated with the existing poor quality environment. Finally, improvements to Station Road will be able to be delivered as part of the 'enabling works' allowing them to come

forward at an earlier stage rather than having to wait for the redevelopment of the whole allocation.

Policies ST1 and ST7 of the LPPU seek to secure development which is located where there are "genuine" and "realistic" opportunities to travel by sustainable modes of transport. As described above, the proposals will increase the potential for using active travel or public transport to make journeys along Station Road. The development is therefore considered in accordance with the key aims of Policy ST1 and ST7 of the LPPU and provide a significant public benefit which weighs in favour of the development.

7. DRAINAGE AND FLOODING:

The Drainage and Flood Risk Team have no objection in principle to the proposed demolition and enabling works. However, they highlight the need to agree proposed discharge rates for any wider redevelopment of the site. This is not necessary at this stage as the proposals for the wider redevelopment have not yet been put forward, but the applicant is reminded that the site should be aiming to achieve a rate as close as practicable to the greenfield discharge rate.

Drainage details associated with the proposed highways improvements to Station Road will be agreed and controlled through the s278 and/or s38 process and therefore do not need to be controlled via a planning condition.

8. ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

The application originally proposed the demolition of all existing buildings on the site, but there was insufficient survey work undertaken to demonstrate that no protected species would be affected by the proposals. As a result, the proposal has been revised so that the demolition boundary is confined to the buildings contained within phase 1, i.e. the frontage buildings along Station Road.

Further survey work including an emergence survey from 4 different vantage points around the site of proposed demolition works, and use of a static detector for one week within a building (Building 9), have now been completed (Bat Survey Report, Engain, 15th June 2023). The survey report confirms that no bats were observed entering or leaving any of the buildings and no bats were detected from the static recorder. The findings of the report are accepted by the Council's Ecologist.

However, there would remain a low risk of use of the site by bats or birds (or new use) therefore standard precautionary approaches to working should be applied.

Subject to conditions to secure adherence to an agreed Construction Environmental Management Plan (insofar as it applies to the area proposed for demolition during this

phase), and subject to adherence to routine precautionary working methods, including pre-commencement checks for and avoidance of harm to any nesting birds (if present), there is no ecological objection to the proposal.

In addition, Policy NE3a of the Local Plan Partial Update relates to biodiversity net gain. In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secure.

The proposed works largely affect areas of existing hardstanding and buildings and, as such, there is a limited baseline ecological value. The proposal includes a new grassed embankment sloping up to the ground level of the site and programme of new tree planting along the Station Road frontage. These measures are considered to constitute an appropriate level of biodiversity net gain consistent with policy NE3a.

9. PLANNING CONDITIONS AND LEGAL AGREEMENT:

To ensure that the benefits of proposed highways improvements are delivered, these will need to be secured. However, it is not physically possible for the highways improvements to be delivered before the brewery building is demolished. To ensure their delivery it is proposed that a s106 agreement is prepared to secure the delivery of the highways works following the demolition. This will require the developer to enter into a highways agreement which itself will include time limits for commencing and completing the improvement works (and can include a detailed programme, if necessary) following the demolition of the brewery building. This should cover the following highways improvement works:

1. Widening of the Station Road carriageway
2. Provision of a 2m footpath along west side of Station Road
3. Widening of footpath to 1.8m along east side of Station Road
4. Provision of two pedestrian crossing points on Station Road

To ensure that the historic brewery façade is rebuilt following the demolition this will also be secured through a s106 agreement.

Planning conditions will also require the following to ensure that the rebuild façade is carried out with a sufficient level of accuracy and quality:

1. Detailed recording of elevation to allow reconstruction.
2. Schedule of materials to be retained.
3. Methodology for dismantling buildings that ensures materials can be salvaged for reuse.
4. Large scale survey, proposed elevations and architectural details.
5. Sample panel of rebuilt wall/elevation including treatment around openings to ensure quality of execution.

Other conditions will be required to secure the implementation of the landscaping scheme, ecological mitigation and construction/demolition management. A full schedule of proposed conditions is contained at the end of this report.

10. PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty. The proposals do not raise any particularly significant issues in respect of equalities duty, but a couple of points are noted.

As noted in the above sections, elderly, disabled and otherwise vulnerable residents in the local area are likely to be the most disadvantaged by the poor-quality pedestrian environment along Station Road. The proposed highways improvements will improve accessibility along this route and to the High Street for these groups and therefore have a positive impact.

11. OTHER MATTERS

Some concerns have been raised about the level of community consultation undertaken. The submitted Design and Access Statement sets out details some of the public consultation events undertaken by the applicant. These refer to consultation events including telephone briefings, a public exhibition, follow up meetings with locally elected representatives and local stakeholders. There is also reference to a Footpath Questionnaire Survey which took place in 2022. In addition, the application has been publicised with a site notice, neighbour notifications and a local press advert in accordance with the Council's Statement of Community Involvement (My Neighbourhood Planning Protocol 2014).

Several comments also noted that the investment from this proposal will boost the town's economy. Undoubtedly, the demolition and construction work will provide an economic benefit arising from the jobs and associated economic activity associated with the works. However, this has not been quantified and will only last for the duration of the works and so is considered to be a relatively minor benefit. There may also be lasting benefit to the High Street through the improved connectivity along Station Road in terms of increased footfall. Again, this is not easy to quantify and therefore the economic benefits arising from these works are given relatively limited weight.

Reference was also made in the public comments to concerns about the delay in the development of this allocated site and the hope that the plans are not delayed further. The site has been allocated in the Council's development plans since at least 2007 and to date there has been no substantive development activity on the site. The relatively recent outline planning permission has now also lapsed and has not been implemented. Whilst the grant of planning permission offers no guarantee that those works will actually take place, the application proposes 'enabling works' which are of a relatively small scale and designed to help prepare the site, making it easier to attract investors for redevelopment. The success of this approach remains to be seen, but given the lack of progress on the site over the past decade, there is merit in trying a different approach.

Other concerns have been raised about non-native invasive species and the impacts upon riverbanks. However, the current proposals will not impact upon these matters.

12. PLANNING BALANCE:

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

Whilst consistent with the weighing exercise in policy HE1 and other relevant planning policies, the proposal does conflict, in part, with criterion 3 of allocation policy SSV4 and criterion 7(c) of HE1 as it does not seek the retention and reuse of the former brewery building and fails to preserve or enhance those elements which contribute to the special character or appearance of the conservation area. Furthermore, the application is not supported by viability testing or a review of wider possible uses of the former brewery building.

It is therefore considered that there is conflict with the development plan, albeit relatively limited, as a result of which the proposal does not comply with the development plan as a whole. Therefore, the application has been advertised as a departure from the development plan in this instance. It is consequently necessary to consider the other material considerations that are relevant to this proposal.

There are several material considerations which weigh against the proposal including:

1. Less than substantial harm to the Conservation Area. In accordance with the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight must be afforded to this matter.
2. The total loss of a non-designated heritage asset of moderate significance.

Balanced against the conflict with the development plan and these material considerations, are several material considerations which weigh in favour of the development including:

1. The delivery of pedestrian and highway improvements to Station Road which will support the aims of policy ST1 and ST7 by supporting "genuine" and "realistic" opportunities to travel by sustainable modes of transport and making this a safer route for pedestrians with improved accessibility.
2. These will also improve the connectivity to the High Street (identified as an enhancement opportunity in the Midsomer Norton and Welton Character Appraisal) and will help to maintain and enhance the town centre in accordance with the aims of policy CP12.
3. The works will also improve the pedestrian experience along Station Road, improving its landscape setting and enhancing its visual amenity.

4. Whilst harm arises from the loss of the brewery, other parts of the proposal will provide an enhancement to the conservation area and its setting as a result of the demolition of the modern industrial buildings and the opening of new views.

5. The 'enabling works' approach will increase the attractiveness of the wider allocation to investors and increase the chances of it coming forward for development.

6. Whilst not supported by a viability assessment, the reason for this is that the application is making a fundamentally different argument to that presupposed by the policy, given that the improvements to Station Road cannot physically be delivered without the demolition of the brewery building. A review of an economic viability case or possible reuses therefore does not make sense in this case as retention or reuse would be incompatible with the proposed improvement works.

7. Rebuilding of the 'brewery elevation' along the eastern boundary at the top of the new embankment along Station Road would help to capture some of the sense of the dramatic enclosure provided by the existing three storey building whilst retaining some sense of the architecture and history of the former building.

8. Removal of the other modern visually intrusive industrial buildings on the site would enhance the setting and significance of the conservation area.

Whilst affording due weight to the statutory force of the development plan, taken together, the material considerations in favour are substantial benefits, and it is considered that, in this instance, there are sufficient material considerations in favour of the application which outweigh the identified conflict, and which justify the grant of planning permission.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A.) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to cover the following:

1. Requiring a highways agreement to be entered into under s278 and/or s38 of The Highways Act 1980 to secure the construction and adoption as highway maintainable at the public expense of the following::

- a. Widening of the Station Road carriageway
- b. Provision of a 2m footpath along west side of Station Road
- c. Widening of footpath to 1.8m along east side of Station Road
- d. Provision of two pedestrian crossing points on Station Road

2. The agreement shall also require that:

- a. the demolition of part or all of the building(s) shall not commence until a programme for the rebuilding of the former brewery building façade (in accordance with the approved drawings) has been submitted to and approved in writing by the Local Planning Authority;

- b. the programme shall include full details of the works required to rebuild the façade, including the timing of those works;
- c. the rebuilding shall be carried out in accordance with that programme and the approved drawings.

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

1 Standard Time Limit (Compliance)

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

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

2 Planning permission (Compliance)

Notwithstanding the approved drawings, this planning permission relates to the following items only:

1. Demolition of all buildings within the area described as phase 1 on the Demolition Plan Key Plan (4021_005_eap_500_REV C)
2. Widening the footway on the east side of Station Road
3. Creating a footway on the west side of Station Road
4. Constructing a new stone retaining wall to the edge of the site with a pedestrian access point
5. Two new pedestrian crossings; one at the north and south ends of Station Road
6. New tree planting/landscaping along the eastern boundary of the site

No development other than that listed above shall take place and planning permission is not granted for the following items:

1. The pedestrian crossing on North Road
2. The public square adjacent to North Road
3. The line of tree planting adjacent to Berkeley Avenue
4. Demolition of any buildings outside of phase 1 Demolition Plan Key Plan (4021_005_eap_500_REV C)

Reason: In the interests of clarity and to ensure that only that which has been applied for is granted planning permission.

3 Construction/Demolition Management Plan (Pre-commencement)

No development shall commence until a Construction/Demolition 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;

All construction/demolition works 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 policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. 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.

4 Brewery Building Façade (Pre-commencement)

No development shall commence until a scheme for the detailed recording of the former brewery building and rebuilding of its façade has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:

1. Detailed recording of the eastern elevation to allow for reconstruction
2. A schedule of all materials to be recovered and retained
3. A methodology for dismantling the buildings to ensure that materials can be salvaged for reuse
4. A programme of implementation for the re-construction of the brewery facade

The façade shall thereafter be constructed in accordance with the approved details and programme of implementation.

Reason: To ensure the quality and authenticity of the brewery façade rebuild and to ensure that it is rebuilt in accordance with a programme of implementation following its demolition in the interests of policy HE1 of the Placemaking Plan.

5 Brewery façade details/sample panel - (Bespoke Trigger)

No construction of the former brewery facade shall commence until:

1. A sample panel of the rebuilt wall/elevation walling materials to be used, including the treatment around the openings, has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed; and
2. Large scale details of the proposed elevations and architectural details of the rebuilt wall/elevation of the former brewery façade have been submitted and approved in writing by the Local Planning Authority.

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policy CP6 of the Bath and North East Somerset Core Strategy,

policies HE1, D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

6 Landscape Design Proposals (Bespoke Trigger)

No development, except for demolition, shall commence until full details of the soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These 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
4. Landscaping programme of implementation

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

7 Implementation of Landscaping Scheme (Bespoke Trigger)

All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the landscaping 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 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 and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

8 Archaeology (Compliance)

The development shall be undertaken in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation (Cotswold Archaeology, September 2022).

Reason: The site is within an area of 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.

9 Construction Environmental Management Plan (Compliance)

The development hereby approved shall be carried out only in accordance with the approved Construction and Ecological Management Plan (CEMP) by Engain dated October 2022, and also adherence to the following routine precautionary working measures for the protection of bats and birds:

1. A careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building/s and areas of work, and any crevices and concealed spaces, as works progress and immediately prior to any works affecting each area
2. Active nests shall be protected undisturbed until the young have fledged
3. Works to the roof and any areas with concealed spaces or crevices where risk of use by animals may remain shall be carried out using "soft strip" methods, by hand, lifting materials (not sliding) to remove them, and checking beneath each one
4. The site manager shall be briefed on appropriate ecologically sensitive methods and a suitably experienced professional ecologist (licenced bat worker) shall be available on call; if bats or other protected wildlife are encountered works shall cease and the on-call ecologist shall be contacted for advice before proceeding.

Reason: To avoid harm to ecology, including protected species, during the construction process in accordance with policy NE3 of the Local Plan Partial Update.

10 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

4021_005_EAP_210_REV C	PROPOSED SITE PLAN KEY PLAN
4021_005_EAP_211_REV C	PROPOSED SITE PLAN PART 1
4021_005_EAP_212_REV C	PROPOSED SITE PLAN PART 2
4021_005_EAP_213_REV C	PROPOSED SITE PLAN PART 3
4021_005_EAP_214_REV C	PROPOSED SITE PLAN PART 4
4021_005_EAP_500_REV C	DEMOLITION PLAN KEY PLAN 1
4021_005_EAP_501_REV C	DEMOLITION PLAN PART 1
4021_005_EAP_502_REV C	DEMOLITION PLAN PART 2
4021_005_EAP_503_REV C	DEMOLITION PLAN PART 3
4021_005_EAP_504_REV C	DEMOLITION PLAN PART 4
4021_005_EAP_301_REV B	PROPOSED ELEVATION STATION ROAD LOCATION PLAN
4021_005_EAP_302_REV B	EXISTING AND PROPOSED ELEVATION KEY PLAN
4021_005_EAP_303_REV B	EXISTING AND PROPOSED ELEVATION PART 1
4021_005_EAP_304_REV B	EXISTING AND PROPOSED ELEVATION PART 2
4021_005_EAP_400_REV B	EXISTING SECTIONS LOCATION PLAN
4021_005_EAP_401_REV B	PROPOSED SECTIONS LOCATION PLAN

4021_005_EAP_402_REV B EXISTING AND PROPOSED SECTIONS
4021_005_EAP_700_REV B PARAMETERS LOCATION PLAN
4021_005_EAP_701_REV B PARAMETERS ELEVATION PLAN
1057.16G STATION ROAD LANDSCAPE PROPOSALS

2 Condition Categories

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

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

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

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

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

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

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

3 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

4 Responding to Climate Change (Informative):

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

5 Permit/Consent Decision Making Statement

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