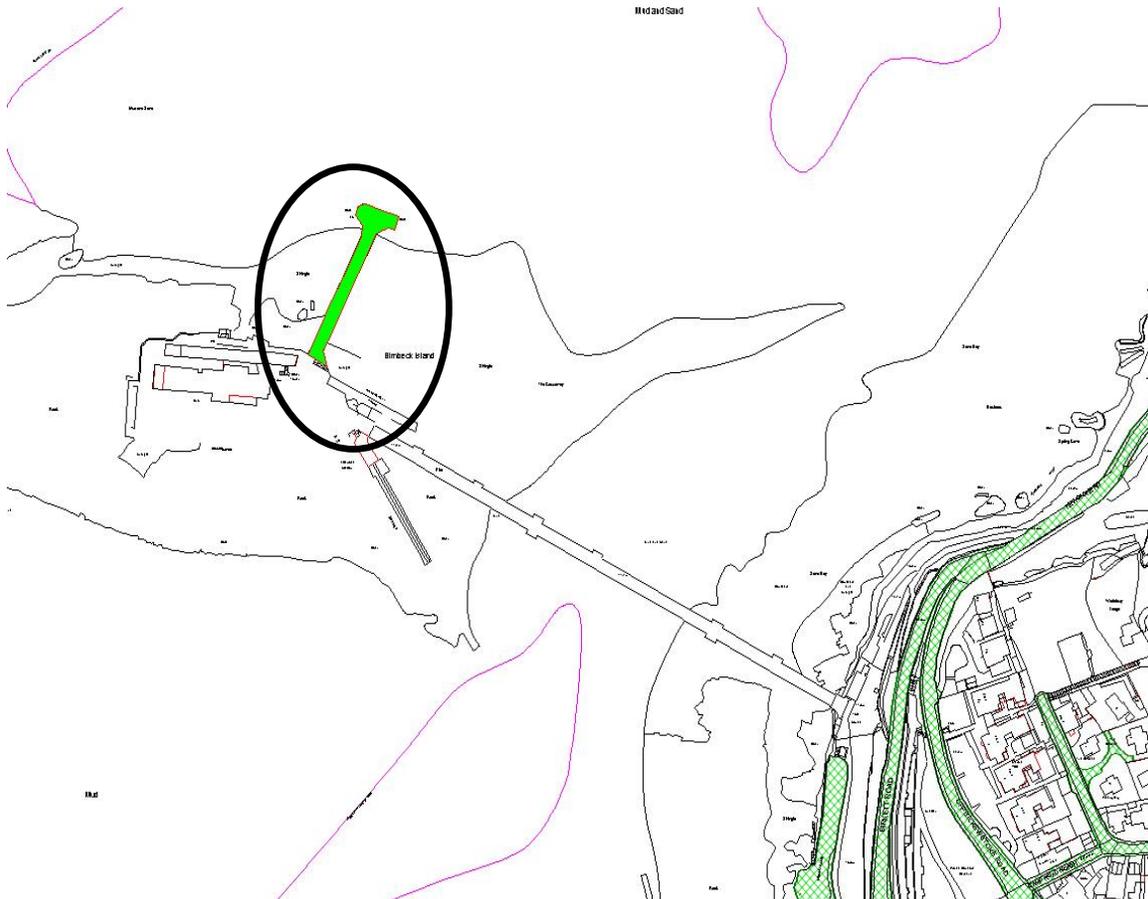


SECTION 2

APPLICATION NO: 16/P/1593/LB	CASE OFFICER: Kate Hudson-McAulay
APPLICANT: CNM Estates (Birbeck) Ltd	Extended expiry date: 30/09/2016
PARISH/WARD: Weston-super-Mare/Weston-super-Mare Hillside WARD COUNCILLOR(S): Cllr J Crockford-Hawley Cllr M Canniford	TARGET DATE: 29 August 2016
SITE ADDRESS: Birbeck Pier, Birbeck Island, Birbeck Road, Weston-Super-Mare, BS23 2BN	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



SECTION 2

8. **Section 2: 16/P/1593/LB Listed building consent for partial demolition of the North Jetty to remove walkway and 5no. Trestle piers at Birnbeck Pier, Birnbeck Island, Birnbeck Road, Weston-Super-Mare, BS23 2BN**

REFERRED BY COUNCILLOR CROCKFORD-HAWLEY

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions and the submission of a satisfactory Habitats Regulations Assessment and no further objection from Natural England. The full recommendation is set out at the end of this report.

Background

This application is a result of a Section 77 Dangerous Building notice which was served on the site by the Council under the 1984 Building Act after the partial collapse of the North Jetty during storms in early 2016.

The Site

The site comprises the North Jetty deck and trestle legs but excludes the landing stage. The jetty is attached to Birnbeck Island located at the end on Birnbeck Pier off Birnbeck Road.

The Application

Listed building consent is being sort for the partial demolition of the North Jetty including the deck and 5 trestle legs.

Relevant Planning History

Year	Reference	Proposal	Decision
2008	08/P/1015/LB	Trial repairs to Pier	Approved with conditions

Policy Framework

The site is affected by the following constraints:

SECTION 2

- Within the setting of Grade II* Birnbeck pier and associated buildings.
- The site itself is Grade II listed.
- Within the setting of Birnbeck conservation area.
- Within the Site of Special Scientific Interest (SSSI).
- Within the Site of Nature Conservation Interest (SNC).
- Within the Site of Special Areas of Conservation (SAC)

The Development Plan

North Somerset Core Strategy (NSCS) (adopted April 2012)*

The following policies give context to this proposal:

Policy Ref	Policy heading
CS4	Nature Conservation
CS5	Landscape and the historic environment

* Core Strategy - High Court Challenge

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The examination of the other remitted policies is currently taking place.

The Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies give context to this proposal:

Policy	Policy heading
DM3	Conservation Areas
DM4	Listed Buildings
DM8	Nature Conservation

National Planning Policy Framework (NPPF) (March 2012)

SECTION 2

The following sections are particularly relevant to this proposal: 12: Conserving and enhancing the historic environment

Section No	Section heading
11	Conserving and enhancing the natural environment
12	Conserving and enhancing the historic environment

National Planning Practice Guidance (from March 2014)

Provides guidance on conserving and enhancing the historic environment.

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 19 letters of objection have been received. The principal planning points made are as follows:

- The jetty should be repaired not demolished
- Concerns that allowing this demolition to take place will lead to the demolition of the main pier
- It would result in a loss of Weston's heritage
- The council should be pushing to restore this area
- Ecological impact to the SSSI

Weston-Super-Mare Parish Council:

"Objection - The Town Council object to the proposed demolition due to the listed building status of Birnbeck Pier and consider that the jetty and piers be made safe pending future works."

Other Comments Received:

Full comments can be seen on the website these are a general summary.

Environment Agency: none received at time of writing

Natural England: No objection

Historic England:

SECTION 2

No objection. The assessment takes in to account the history of the North Jetty and its significance to the main Grade II* Birnbeck pier. The Jetty itself is Grade II listed believed to have been built in the late 1860's but was extensively repaired between 1903 and 1905. The trestle legs present today date from the turn of the last century. The North Jetty's significance to the main pier is defined as having a historic and social significance, as this was integral to the success of the pier and represents how a large number of visitors came to Weston. It also has an aesthetic value in connection with view of the main pier. Localised collapse occurred during the stormy weather in the Christmas and New Year of 2015/16, this has been a result of corrosion of the mild steel which is vulnerable in saline environments and excessive load. Historic England fully acknowledge the need to remove the danger from the public, although the removal of the deck will have an adverse impact on both the significant of the jetty itself and the setting of the Grade II* main pier. The clear convincing evidence given in the application shows a clear structural engineering justification for the localised demolition which Historic England support.

The conditions attached to the application by Historic England are written below and can be seen in their full consultation response online.

Principal Planning Issues

The principal planning issues in this case are (1) the demolition of a listed structure, (2) the impact on the setting of the listed Birnbeck Pier and Birnbeck Conservation Area, and (3) impact on biodiversity

Issue 1: Demolition of a listed structure

This application was triggered when the Council served a Section 77 Dangerous Building notice under the 1984 Building Act on the owners after the partial collapse of the North Jetty in the storms in early 2016 which made the structure a danger to the public. The proposal will result in partial removal of the Grade II listed North Jetty in order to make the structure more safe.

Policies CS5 (Core Strategy) and DM4 (Development Management Policies) encourage the safeguarding and preservation of North Somerset heritage assets. Clear evidence has to be submitted to justify any works that will affect the character of a listed building to show that they are necessary. In this case there is no logical way of repairing the jetty deck. This is due to a combination of issues, but the main issue is the material from which it was constructed. The North Jetty is constructed from mild steel which is vulnerable to saline conditions and as a result it has corroded rapidly in comparison to the main pier which is constructed from cast iron. As well as the weakening of the steel from corrosion, the overloading on the jetty deck caused by concrete pads (it is unknown when

SECTION 2

these were added) has added extra weight to the structure overloading the capabilities of the steel. The added damage caused by the storms and high winds over Christmas and New Year 2015/16 caused the deck to collapse at the end closest to the island. The trestle piers which support the deck are still in place but they too show signs of localised corrosion and it is uncertain how stable they are likely to be without the support of the deck.

It is likely that if the North Jetty was to ever become functional for visitors, replacement of much of the jetty would be needed (rather than repair) in order to make it safe to hold the weight of visitors and to comply with Building Regulations.

Considering all the matters, the repair of the North Jetty deck is not realistic due to its current state. There is a lack of funding available at this time for a replacement jetty. Whilst this is not in itself a persuasive reason to permit demolition, there is a clear need to remove the danger to the public the jetty currently causes.

Issue 2: Setting of the listed building and conservation area

The proposal falls within the setting of Birnbeck Pier a Grade II* Listed Building, the associated Grade II listed pier buildings and West cliff villas also Grade II listed buildings. This proposal is also within the setting of Birnbeck conservation area. The proposal is considered to have an adverse impact on the setting of these Listed Buildings due to the fact that the North Jetty has added to the setting of both the listed buildings and the conservation area and has always been associated with views of the main Grade II* Birnbeck pier. However this is to some degree offset by the fact that currently the poor condition of the jetty can be considered to detract from setting of the listed buildings. The jetty was originally a functional addition to the island rather than an aesthetic device and whilst its removal will result in the loss of a feature that overtly references the past historic role of the jetty for steamers bringing day tripper trade to the island, there will be a residual indication of this with the retention of the landing stage itself which is not proposed for demolition. The jetty is visible from the higher ground within the Conservation Area such as Prince Consort Gardens, and does create an attractive form in those views but contributes in a limited manner across the entirety of the Conservation Area as it is visible only in specific parts. This is compromised by its current state and creates a general air of decay which does not complement the Conservation Area. In addition whilst its loss would be regrettable, the form of the island and its principal features will remain. The harm arising is therefore seen as less than substantial.

However the structural engineering report gives clear evidence for the need for localised demolition. This justifies the need to make this area safe for the public

SECTION 2

resulting in a greater public benefit, which outweighs the harm to the settings of the listed buildings and conservation area.

The proposal is therefore in accordance with policies CS5 and policy DM3 and 4 of the Sites and Policies Plan (Part 1), section 12 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Issue 3: Biodiversity

The proposed demolition site is within the Severn Estuary European Marine Site, and is a Site of Special Scientific Interest (SSSI) which is legally protected under the Conservation of Species and Habitats Regulations 2010 as amended (the 'Habitat Regulations'). The area is also the Site of Nature Conservation Interest (SNC) and the Site of Special Areas of Conservation (SAC). The Estuary provides habitats for many species of protected birds including internationally important species.

Given this sensitivity the applicants are required to consider the potential impacts of the demolition on the integrity of the estuary during the demolition. The agent has been asked carried out a draft Habitat Regulations Assessment (HRA). This application will be subject to the findings from this report. Although Natural England has indicated that it does not object to the proposal this formal procedure should be followed.

Natural Environment and Rural Communities (NERC) Act 2006

NERC places a duty on local authorities to have regard to the conservation of biodiversity in exercising their functions. This has been considered in Planning Issue 3.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Conclusion

The localised demolition of the North Jetty deck and trestle piers will be in accordance CS5 of the Core Strategy and DM4 of the Sites and Policies Plan (part 1) as the reason for demolition of the Grade II listed structure has been clearly justified in the structural report given with the application and the concurring opinion given by Historic England structural engineers.

In terms of the NPPF, the proposal will cause less than substantial harm to the setting of a number of listed buildings and Birnbeck conservation area and the

SECTION 2

impact has been justified by the clear public benefit arising from making this area safe. This will also comply with the Section 77 Dangerous Building notice of the 1984 Building Act removing the danger posed by the collapsed structure on the public.

RECOMMENDATION: Subject to the receipt and consideration of a satisfactory Habitats Regulations Assessment and the consideration of any further comments from Natural England the application be **APPROVED** (for the reasons stated in the report above) and the following conditions together with any additional or alternative conditions which may be a required as a result of the Habitat Regulations Assessment:-

1. The demolition hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 18 of the Town and Country (Listed Building and Conservation Areas) Act 1990.

2. The demolition hereby permitted shall be carried out in accordance with the approved plans and documents (*to be listed on the decision notice*).

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Prior to and during demolition a photographic, written and drawn record of the structure shall be carried in accordance with Historic England's Building Recording level 4 and submitted to the Local Planning Authority within 2 months of the commencement of demolition works.

Reasons: In accordance with the provisions of Section 8 Paragraph 2 of the Town and Country (Listed Building and Conservation Areas) Act 1990.

4. Prior to the commencement of demolition details of how the pockets are to be retained following the removal of the jetty deck from the island shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved details.

Reasons: For the correct conservation procedure in regard to safeguarding the remaining historic asset.

SECTION 2

5. Prior to the commencement of demolition a method statement providing details of the proposed procedure and manner of removal of the bolts connecting the deck to the island and landing stage shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved method statement.

Reasons: For the correct conservation procedure in regard to safeguarding the remaining historic asset.

6. Prior to the commencement of demolition a method statement providing details of how the remaining post of the original wooden jetty and the remains of the original splash pool are to be protected shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved method statement.

Reasons: To ensure the survival of what remains of the original features of the heritage asset for future generations to have a clear understanding of this listed structure's history.