

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **25th August 2021**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

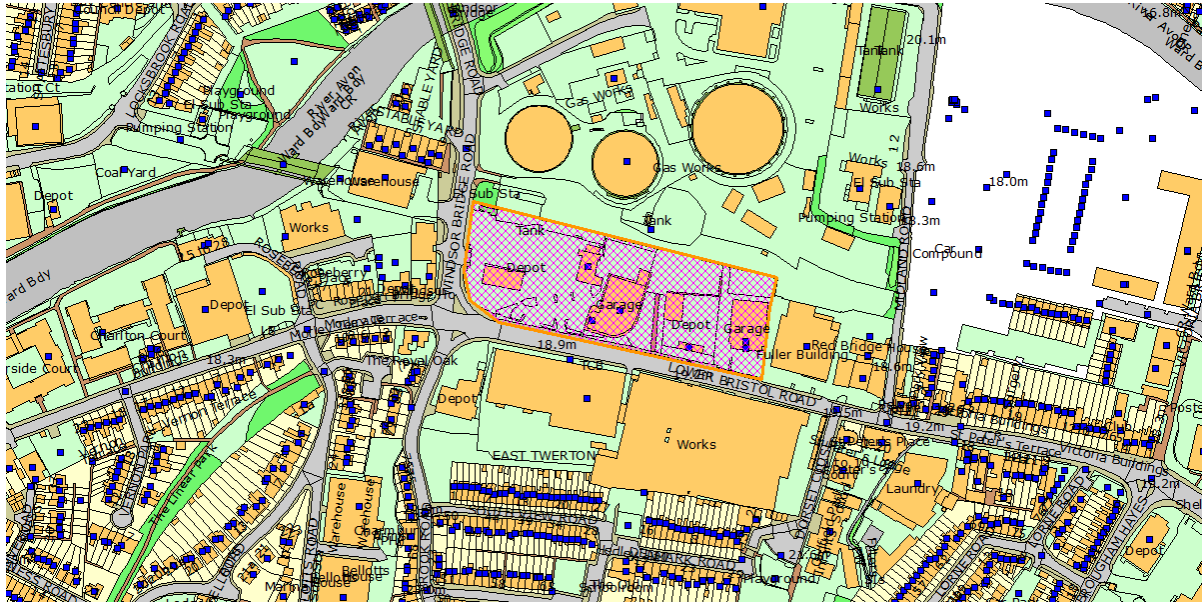
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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02	20/03166/FUL 4 December 2020	Lower Bristol Road Bath Limited Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.	Westmoreland	Chris Griggs-Trevarthen	REFUSE
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08	21/02181/FUL 27 August 2021	Mark Donaldson Archway Cottage, Bath Road, Tunley, Bath, Bath And North East Somerset Erection of two storey side extension and demolition of existing converted garage (Resubmission).	Bathavon South	Rebecca Robinson	REFUSE

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



LB Grade: N/A

Application Type: Full Application with an EIA attached

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

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Policy ST2 Sustainable Transport Routes,

Expiry Date: 27th August 2021

Case Officer: Chris Griggs-Trevarthen

To view the case click on the link here.

REPORT

REASONS FOR REPORTING TO COMMITTEE

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

The application was due to be heard at the 28th July Planning Committee but was withdrawn from the agenda following the submission of revised plans and additional information. These additional plans and information have now been reviewed by officers and the report has been updated accordingly. A revised version of the NPPF has also been published and relevant changes have been incorporated.

DESCRIPTION

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

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

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

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

1. 316 Build-to-rent ("BTR") flats comprising:
 - a. 43 studios (14%)
 - b. 153 one-bedroom apartments (48%)
 - c. 109 two-bedroom apartments (35%)
 - d. 11 three-bedroom apartments (3%)
2. 727sqm of commercial floorspace (Class E)

3. 335 bed spaces of Purpose Built Student Accommodation ("PBSA")
 - a. 215 in cluster flats (64%)
 - b. 120 studios (36%)
4. 120 car parking spaces
 - a. 0.38 per dwelling
 - b. Zero provision for student accommodation
5. 760 cycle parking spaces
 - a. 2 per dwelling
 - b. 0.5 per student bedroom

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

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

PLANNING HISTORY

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

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

06/01733/EOUT

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

19/05165/ERES

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

REFUSED 27th August 2020

14/03713/FUL

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

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

06/00274/FUL

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

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

05/01575/VAR

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

PERMITTED 29th June 2005

04/03143/FUL

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

PERMITTED 17th January 2005

02/01938/FUL

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

PERMITTED 21st February 2003

01/01702/FUL

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

PERMITTED 17th September 2002

ENVIRONMENTAL IMPACT ASSESSMENT

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

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ECOLOGY: No objection, subject to conditions

SUSTAINABILITY ASSESSOR: No objection

CONTAMINATED LAND: No objection, subject to conditions

ENVIRONMENT AGENCY: No objection, subject to conditions

ARBORICULTURE: No objection, subject to conditions

AIR QUALITY: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions

ENVIRONMENTAL PROTECTION: No objection, subject to conditions

EDUCATION: No objection

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

HOUSING: No objection

URBAN DESIGN: No objection, subject to conditions

LANDSCAPE: No objection, subject to conditions

EMERGENCY PLANNER: No objection, subject to condition

CONSERVATION: No objection, subject to conditions

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

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

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

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

HIGHWAYS: Objection

Officers are concerned that the applicant has failed to identify a comprehensive package of improvement to the existing walking, cycling and public transport infrastructure which will promote significant modal shift to more sustainable forms of transport, contrary to Policy ST1 of the Bath and North East Somerset Placemaking Plan (2017).

Whilst the additional 18 off-street, car parking spaces result in a ratio of 0.38 spaces per dwelling, the provision of 120 spaces represents a shortfall of 132 off-street, car parking spaces when compared to the minimum number of spaces required to accord with the authority's adopted parking standards for C3 residential use. Officers are concerned that, without appropriate parking controls in the surrounding residential streets, the shortfall in the number of proposed off-street, car parking spaces will result in an increase in on-street parking activities in the vicinity of the application site, which would affect highway safety and/or residential amenity, contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan (2017).

PLANNING POLICY: Scope for revision

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

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

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

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

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

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

HISTORIC ENGLAND: Comments (May 2021)

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

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

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

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

While this harm may be considered to be modest given the size of the World Heritage Site and width and breadth of the views in question, BANES Council must assess this in the context of paragraph 193 [now 199] of the NPPF. This states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'.

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

AVON AND SOMERSET POLICE: No objection

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

WALES AND WEST UTILITIES: No objection, informative provided

VIABILITY ASSESSOR: Comments

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

DESIGN REVIEW PANEL: Comments (January 2021)

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

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

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

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

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

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

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

COUNCILLOR JUNE PLAYER: Objection

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

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

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

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

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

On the opposite side of the road is the Bath Press development, the high façade of which is of historic importance and must be retained. The cumulative effect of these two facing

developments will be to create a canyon/roofless tunnel along this section of the Lower Bristol Rd and trap both noise and pollution, as neither will be able to easily and quickly disperse.

BATH PRESERVATION TRUST: Objection

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

The development, by virtue of its excessive scale, height, and massing, would constitute overdevelopment of the site. It fails to be a scheme of a high design standard, as is warranted on such an important approach into the City and one which lies within the World Heritage Site. It would fail to preserve or respond to local distinctiveness or 'Bathness' through the excessive use of inappropriate materials, and the introduction of alien form, height variation, and roof articulation, and would result in cumulative harm to Bath's townscape character, harm to the views in and across the World Heritage site and would harm the indicative setting of the conservation area. This application is therefore contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF (particularly paras 184, 185, 196, and 200), and Policies B1, B4, BD1, CP6, D1, D2, D3, D4, D5, HE1, and SB8 of the Core Strategy and Placemaking Plan, and should be refused or withdrawn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Several considered that the provision of student accommodation would be beneficial to the local economy and local businesses. It was felt that the concentration of students on Lower Bristol Road made sense given that it was on the main bus routes to the universities. It was also considered that students were a source of talent and innovation for the city.

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

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

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

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

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

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

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

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

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY

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

- DW1 District Wide Spatial Strategy
- SD1 Presumption in favour of Sustainable Development
- B1 Bath Spatial Strategy
- B4 Bath World Heritage Site
- B5 Strategic Policy for Bath's Universities
- CP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP9 Affordable Housing
- CP10 Housing Mix
- CP13 Infrastructure Provision

PLACEMAKING PLAN

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

- SB8 Western Riverside
- SCR1 On-site Renewable Energy Requirement
- SCR2 Roof-mounted/Building-integrated Scale Solar PV
- SCR5 Water Efficiency
- SU1 Sustainable Drainage
- BD1 Bath Design Policy
- D1 General Urban Design Principles
- D2 Local Character and Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D6 Amenity
- D8 Lighting
- D9 Advertisements and Outdoor Street Furniture

- HE1 Historic Environment
- NE1 Development and Green Infrastructure
- NE2 Conserving and Enhancing Landscape and Landscape Character
- NE2A Landscape Setting of Settlements
- NE3 Sites, Species and Habitats
- NE6 Trees and Woodland Conservation
- PCS1 Pollution and Nuisance
- PCS2 Noise and Vibration
- PCS3 Air Quality
- PCS5 Contamination
- PCS7A Foul Sewage Infrastructure
- H7 Housing Accessibility
- LCR7B Broadband
- LCR9 Increasing the Provision of Local Food Growing
- ST1 Promoting Sustainable Travel
- ST2 Sustainable Transport Routes
- ST7 Transport Requirements for Managing Development

SUPPLEMENTARY PLANNING DOCUMENTS

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

ADDITIONAL GUIDANCE

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

NATIONAL POLICY AND GUIDANCE

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

- 8 - 12 Achieving sustainable development and the presumption in favour of sustainable development
- 55 - 58 Planning conditions and obligations
- 81 Supporting economic growth
- 92 Achieving healthy, inclusive and safe places

98	Access to networks of high quality open spaces
107	Setting parking standards
119 - 120	Making effective use of land
124 - 125	Achieving appropriate densities
123 - 132	Creation of high quality buildings and places
134	Refusing poor design
157	Decentralised energy and minimising energy consumption
162 - 168	Planning and flood risk
174	Conservation and enhancing the natural environment
180	Habitats and biodiversity
183 - 187	Ground conditions and pollution
189	Significance of heritage assets
194 - 197	Proposals affecting heritage assets
199 - 208	Heritage assets and public benefits

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Housing Mix
3. Affordable Housing
4. Design
5. Heritage
6. Comprehensive development
7. Residential amenity
8. Highways and parking
9. Ecology
10. Trees and woodland
11. Parks and open spaces
12. Flood Risk
13. Drainage
14. Contaminated land
15. Air quality
16. Sustainable construction and climate emergency
17. Public benefits
18. Other matters
19. Planning balance
20. Conclusion

1. PRINCIPLE OF DEVELOPMENT

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

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

2. High density urban form

3. A primary school

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

5. Public access to and along the riverside

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

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

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

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

Loss of car showrooms

The site is allocated for residential redevelopment and there is no objection to the demolition of the current commercial car dealership and its associated buildings. Policy SB8(7) permits existing businesses to be retained within the allocation but does not require it to be retained. It is therefore considered that there is no conflict with criterion 7 of policy SB8.

Build to Rent

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

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

Purpose Built Student Accommodation

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

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

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

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

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

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

Other approved and extant developments within the SB8 allocation include:

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

Other significant parcels of land within the allocation which could potentially come forward for development include land immediately to the north of the application site (former gaslands) which, subject to detailed assessment, has the capacity to bring forward circa

900 residential units. The Westmark site on the corner of Upper Bristol Road and Windsor Bridge Road also has an indicative capacity of 112 dwellings within the 2018 HELAA.

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

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

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

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

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

Commercial Uses

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

Whilst these uses are not specifically identified within the text of policy SB8, it requires that any planning application is "consistent with and contributes to the delivery of the comprehensive development of the whole site by reference to Bath Western Riverside SPD."

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

The BWR SPD goes on to state that the Lower Bristol Road character area will contain a greater variety of mixed uses and that the area is likely to support a mixture of employment and residential uses (paragraphs 2.7.29 - 2.7.30). The design codes

accompanying the BWR SPD identify the land use mix along Lower Bristol Road and Windsor Bridge Road as being 'commercial with residential above' and 'residential and commercial' respectively.

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

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

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

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

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

2. HOUSING MIX

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

Planning Policy have raised concerns about over concentration of BTR schemes in this locality and referred to the nearby development at Spring Wharf (ref: 15/01932/EOUT) and the current proposals at Bath Press (ref: 20/04760/EFUL, pending consideration). There have also been several comments from members of the public who would prefer to see a mixture of family housing on the site.

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

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

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

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

3. AFFORDABLE HOUSING

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

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

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

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

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

The NPPF and NPPG advise that discount market rents should be set at a level which is at 'least' 20% less than the open market rent (inclusive of service charges). It is considered that this does not prevent the Council from seeking a greater discount in line with its own affordability limits.

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

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

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

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

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

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

4. DESIGN

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

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

Layout

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

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

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

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

The proposed development provides active frontages on most of its main elevations with a good mix of uses that will ensure that there is adequate footfall and natural surveillance within the development. The positioning of the commercial units along the Lower Bristol Road frontage provides the most active uses along the main public street of the development. Conditions preventing the application of decals within shopfronts will be necessary to ensure that these active frontages are not undermined.

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

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

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

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

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

Height, Scale, Massing and Density

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

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

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

The BBHS also allows for upwards and downward modifiers. Within zone 3, it suggests that 1 additional storey may be acceptable along Lower Bristol Road except where it is in close proximity to existing 2-3 storey residential areas or that 1 additional storey may be appropriate fronting public space and marking key locations such as corners or gateways

and mixed-use centres. However, it also states that it may be necessary for the height to be less than 4 storeys in response to heritage assets, residential amenity and to prevent intrusion in views. The use of modifiers is at the discretion of the Council and justification will be required on a case-by-case basis. It is therefore a matter of judgement as to whether these modifiers are applied, and they should not be considered as strict tests or rules.

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

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

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

Blocks 3 and 4 are both 5 storeys in height, although the top floor is not set back. Whilst not strictly in accordance with the basic recommendations of the BBHS (due to the lack of a set back roof storey), it is material to note that outline planning permission 06/01733/EOUT showed two 5 storey blocks in roughly the same location and layout as blocks 3 and 4 in the current application. Whilst the Council is not bound by its previous decisions (indeed the Planning committee refused to grant reserved matters consent for two similar blocks under application 19/05165/ERES), the parameters stipulated in the outline planning permission give an indication that this scale of development has previously been found to be acceptable. Furthermore, if account is taken of the position on Lower Bristol Road then there is a case for the application of upward modifiers which would bring blocks 3 and 4 in line with the BBHS recommendations.

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

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

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

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

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

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

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

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

Landscaping

The application proposals have evolved since the initial pre-application discussions and in response to the comments of the Design Review panel by seeking to retain the existing

trees on the corner of Windsor Bridge Road and Lower Bristol Road. The retention of these trees is welcome and does help to soften the visual dominance of block 1.

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

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

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

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

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

The accurate visual representations demonstrate how street trees are vital to softening the impact of the high-density urban form along the Lower Bristol Road. They would also play a role in providing a role in shielding pedestrians from the heavy traffic of Lower Bristol Road and help to improve air quality within the AQMA.

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

Identity, materials and detailing

Concerns were flagged with earlier iterations of the proposals that the four proposed blocks lack coherence and a unifying identity. Amendments to the massing, roof forms, materials, elevational design and proportions have sought to address this and now provide the scheme with a unifying, but not monotonous, identity. The aesthetic language of the proposals is visually consistent with the industrial buildings which were historically located in this part of the city. The proposal does not seek to create a pastiche of architecture

typical of the Georgian City and has the broad support of the Council's Conservation Officer, Urban Design, Landscape Officer and the Design Review Panel.

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

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

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

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

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

Design conclusions

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

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

5. HERITAGE

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

World Heritage Site

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

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

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

Historic England have highlighted that they consider the proposals to cause harm to the World Heritage Site as a result of the cumulative impact of the development together with other existing and permitted schemes in the area. They indicate that the scale, height and bulk of the proposals will contribute towards the creation of a visual mass that would detract in longer, sweeping views towards the Georgian City. Historic England categorise this harm as less than substantial and describe it as 'modest'. The Conservation Officer echoes these concerns but ultimately concludes that the proposals would result in less than substantial harm and describes this harm as 'slight'.

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

It is therefore considered that the scale, height and massing of the proposed development would result in modest harm to the OUV of the World Heritage Site, its relationship with the surrounding green hillsides and the sweeping views across the city. It will also

contribute towards an increasing cumulative harm together with other existing and permitted schemes in the area.

In the language of the NPPF this harm is considered to be 'less than substantial' (substantial harm is a very high bar) and in accordance with paragraph 202 should be weighed against the public benefits of the scheme.

The Courts have been clear that this is not a straight balancing exercise. Paragraph 202 of the NPPF makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

World Heritage Sites are identified as heritage assets of the highest significance which are internationally recognised to be of Outstanding Universal Value (paragraph 189, NPPF). It is therefore considered that very great weight should be given to its conservation.

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

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

Conservation Area

Third parties have highlighted concerns about the potential impact of the proposals upon the setting of the Bath Conservation Area. When seen in distant views (such as VP14 Bath City Farm) the proposed development would be very clearly seen against a backdrop of other built development in that part of the city. Furthermore, the application site is a significant distance from the Bath Conservation Area and the proposals will not be prominent in any important views out of the Conservation Area. The proposed development is therefore not considered to have any adverse impact upon its setting.

Listed buildings

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

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

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

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

Considerable weight and importance should therefore be given to the harm identified to the above setting of the above listed buildings. In accordance with paragraph 202 this harm should be weighed against the public benefits of the scheme. In this case, it is considered that the considerable public benefits of the proposed development outweigh the great weight given to the harm identified.

Undesignated heritage assets

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

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

Paragraph 203 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

Archaeology

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

Heritage conclusions

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

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

6. COMPREHENSIVE DEVELOPMENT

Policy SB8, clause 6 states:

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

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

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

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

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

7. RESIDENTIAL AMENITY

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

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

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

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

The next phase of the Bath Western Riverside development to the north has also not yet been built. The northern building line of the proposed development is set back from the boundary to ensure that the proposals will not prejudice the residential amenity of any development on the land to the north which may subsequently come forward.

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

8. HIGHWAYS AND PARKING

Built to Rent Parking

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

1 space per one bed dwelling

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

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

The application proposes to provide 120 off-street parking spaces to serve the BTR units. This equates to a ratio of 0.38 parking spaces per BTR dwelling and represents a deficit of 254 parking spaces compared to the minimum standard (after applying the accessibility discount).

The Parking Strategy (Technical Report 2018) which supports the parking standards in ST7 states that where *"Supplementary Planning Guidance defines a reduced parking standard for a particular area that takes precedent over the parking standards set out in this document, the accessibility reduction will not apply."* (pg. 20, 3.3.). The BWR SPD Design Codes set out a requirement of 0.7 parking spaces per dwelling average. Applying this ratio would result in a minimum parking standard of 221 spaces with the proposed scheme having a shortfall of 101 spaces.

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

The supporting text to policy ST7 states that *"The prescribed parking standards need to be considered in a sensitive and flexible way that reflects local circumstances"* (Para. 655). Furthermore, the Parking Strategy (Technical Report 2018) indicates that *"the final level of parking to be provided remains subject to the judgement of the Council"* (pg. 20, 3.3). These statements imply that a degree of flexibility and judgement is required when determining the appropriate level of discount and that the accessibility assessment is not immutable.

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

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

Another relevant factor as suggested by the NPPF (para 105) is the level of car ownership which within the 'Westmoreland' ward is 0.57 cars per household. Even if this were used

as a proxy for an appropriate parking standard (which would be the incorrect given the approach set out in policy ST7) there would still be a shortfall of nearly 57 spaces within the proposed scheme.

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

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

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

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

The draft LPPU was discussed at the Council meeting on 22nd July and approved for consultation purposes. The NPPF gives clear guidance on the weight to be given to emerging plans (paragraph 48) based upon their stage of preparation, the extent of unresolved objections and their consistency with the framework. Based upon the fact that the LPPU has only just been published as a draft plan it can only be given limited weight.

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

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

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

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

There are currently plans for a consultation on a RPZ for Oldfield Park. However, officers have discussed the timescale for implementing the RPZ with colleagues from the 'Traffic Management' team who have confirmed that presently there is no firm timescale, other than consultation later this year to determine if the majority of residents support the introduction of the zone. Without certainty or control over whether a RPZ will be introduced in this location, limited reliance can be placed upon it to mitigate the impacts of the proposed development.

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

Additional information submitted by the applicant has sought to explore the option of providing additional basement parking and highlighted both viability and environmental concerns with this approach.

The information suggests that if basement parking were to be incorporated into the scheme this would adversely affect the viability of the scheme such that it could no longer support the provision of any affordable housing. The viability note does not provide sufficient detail to make an independent detailed assessment of these claims, but it is acknowledged that basement car parking would likely have a negative impact upon the scheme's viability and therefore a knock-on impact upon affordable housing provision.

The have also provided information about the embodied carbon which would be required for the construction of a basement car park. Again, the figures provided have not been independently verified, but it can be assumed to be correct that a basement car park would generate a significant amount of embodied carbon.

However, all this information assumes that there are no other options for addressing the parking shortfall. There could be many different alternative solutions, for example a reduction in the quantum of development would reduce the overall parking demand or there may be an option to provide additional parking underneath a landscaped podium between blocks 3 and 4. The basement parking scenario presented does not demonstrate that no other solution to the parking demand could be found which does not have the same impacts upon viability or the environment.

The applicant has also provided an assessment against the draft Parking Standards SPD which has a different approach to parking standards (maximum standards, but with safeguards against inappropriately low provision). Even against these more permissive standards the proposals would generate a shortfall of 124 parking spaces. In any case, the draft Parking Standards SPD has not been adopted or consulted upon and therefore carries very limited weight.

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

Student Accommodation Parking

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

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

Commercial Use Parking

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

Cycle Parking

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

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

Access

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

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

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

Pedestrians, cyclists and public transport

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

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

1. Provision of 690 cycle spaces in covered and secure cycle stores for B-T-R element and 170 cycle spaces for student accommodation.
2. On-site motorcycle parking spaces.
3. 10% active electric vehicle charging points (EVCP) and remaining 90% with passive provision.
4. 2 Car Club vehicles via Enterprise (these would be available to the residents of the development as well as general public).
5. Improving all the footways on site frontage as part of S278 agreement.
6. Contribution of £181,000 towards upgrading crossing across Windsor Bridge Road approach to Toucan Crossing.
7. Upgrading street lighting on site and at the Lower Bristol Road/Windsor Bridge Road junction via a contribution of £12,500.
8. Improving bus stop with bus kerbs on site frontage as part of S278.
9. Upgrading the existing pelican crossing into Toucan Crossing on Lower Bristol Road (adjacent to Midland Road junction) as part of S278 agreement.

10. Commitment to implement a Travel Plan.
11. Cycle Purchase Vouchers from a local cycle shop - Take Charge Bike. Every household at B-T-R scheme would be provided with a cycle purchase voucher with a value of £150; of which £75 would be subsidised by Watkin Jones and the remaining £75 by the bike shop. The total contribution amounts to $£75 \times 316 = £23,700$.
12. Contribution towards future Resident Permit Zone (RPZ) consultation.
13. Accepting that residents would be precluded from obtaining parking permits.
14. Monitoring the usage of the proposed 2 Car Clubs regularly in liaison with the Car Club operator - Enterprise.
15. Provide electric bike charging points - 10% of the total cycle parking spaces.
16. 'Welcome Travel Pack' to all residents as part of their contract package.
17. Set up Bicycle User Group.

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

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

Student arrival and departure strategy

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

Deliveries and Servicing

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

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

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

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

Highways conclusions

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

Notwithstanding this, the proposals have a substantial deficit in off-street parking and this will likely result in a significant increase in on-street parking in the vicinity of the application site to detriment of highways safety and residential amenity. The proposals are therefore contrary to policy ST7 of the Placemaking Plan.

9. ECOLOGY

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

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

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

Amendments/additions to the landscaping scheme are recommended, although overall the proposals are likely to result in a net increase of on-site habitats. The commitment to at least 50 integrated bird boxes (including boxes suitable for swift) is strongly supported. The planting of 64 new trees is also encouraging. Both measures are consistent with delivering biodiversity net gain in accordance with the NPPF (paragraphs 174, 179, and 180), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for

example Policies D5e and NE3) and in accordance with the recent Ecological Emergency declaration by Bath and North East Somerset Council.

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

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

10. TREES AND WOODLAND

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

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

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

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

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

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

While the Council's Arboricultural Officer would have preferred to see development proposals which retained a greater number of trees and particularly those to be lost that are of moderate quality (T17, T42, T43, T44, T48), they do not consider that the

predominantly low quality of trees that would be removed would be grounds for an arboricultural objection to the scheme especially given that the proposed replacement tree numbers (64No.) exceed those required under the Planning Obligation SPD (43No.) by some margin.

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

11. PARKS AND GREEN SPACE

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

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

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

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

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

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

12. FLOOD RISK

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

Sequential test

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

Exceptions test

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

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

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

13. DRAINAGE

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

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

14. CONTAMINATED LAND

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

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

15. AIR QUALITY

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

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

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

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

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

16. SUSTAINABLE CONSTRUCTION AND CLIMATE EMERGENCY

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. Policy SCR1 requires major developments to provide sufficient renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%.

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

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

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

- o Connection to the Bath Western Riverside District Energy Network (if available) or alternatively use of Air Source Heat Pumps for hot water
- o Incorporation of low U-value fabric
- o Roof mounted solar PV panels
- o Water saving fittings and appliances (meeting national optional Building Regulations)
- o Smart meters for utilities

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

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

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

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

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

17. PUBLIC BENEFITS

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

Housing

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

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

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

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

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

Economic benefits

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

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

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

Regeneration of underutilised site and sustainable location

The proposals would regenerate and redevelop an existing brownfield site. In accordance with paragraph 120 of the NPPF, it is acknowledged that substantial weight should be given to the value of using suitable brownfield land within settlements for new homes and other identified needs.

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

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

Connection to BWR and other planning obligations

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

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

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

Sustainability, climate change and biodiversity

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

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

Public benefits conclusion

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

18. OTHER MATTERS

s106 Agreement

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

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

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

Public Sector Equality Duty

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

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

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

19. PLANNING BALANCE

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

The application proposals have been found to have a significant deficit in parking compared to the parking standards set out in policy ST7. The proposals would also fail to meet the average parking ratios set out in the BWR SPD Design Codes. Even after applying a sensible and flexible approach to the appropriate level of discount based upon the accessibility assessment and taking account of the package of improvements to walking, cycling and public infrastructure, there is little evidence to suggest that the actual parking demand will be as low as 0.38 spaces per dwelling.

The proposals therefore have a deficit of 254 vehicle parking spaces against the discounted parking standards in policy ST7 or a deficit of 101 vehicle parking spaces against the BWR SPD Design Codes ratio. In both cases, this represents a substantial shortfall which will very likely lead to overspill parking on the surrounding streets which have limited parking controls and where on-street parking stock is limited and existing demand is known to be high.

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

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

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

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

Many of the matters in favour of the proposals align with aspects of the spatial strategy for Bath (as expressed in B1), for example by enabling the development of new homes in the Enterprise Zone (B1.3.a.), generating some additional jobs (B1.2.a), facilitating growth in

the overall number of students whilst avoiding growth of the student lettings market (B1.7.a), providing improvements to walking, cycling and public transport (B1.10.a) and preserving the historic environment and environmental quality (policies CP6 and B4).

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

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

20. CONCLUSION

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

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

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

The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 Parking

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

PLANS LIST:

1 PLANS LIST

20002-BCA-A1-ZZ-DR-A-06005 P02	BLOCK 1 - STREET SECTIONS 003
20002-BCA-A1-ZZ-DR-A-06008 P03	BLOCK 1 - STREET SECTIONS 001 + 002
20020-BCA-A1-ZZ-DR-A-05003 P01	BLOCK 1 - SOUTH FACING ELEVATIONS
20020-BCA-A1-ZZ-DR-A-05005 P07	BLOCK 1 - SOUTH FACING ELEVATIONS
20020-BCA-A1-ZZ-DR-A-05006 P07	BLOCK 1 - NORTH FACING ELEVATIONS
20020-BCA-A1-ZZ-DR-A-05007 P08	BLOCK 1 - EAST FACING ELEVATIONS
20020-BCA-A1-ZZ-DR-A-05008 P08	BLOCK 1 - WEST FACING ELEVATIONS
20020-BCA-A1-ZZ-DR-A-06006 P03	BLOCK 1 - SECTIONS 001 + 002
20020-BCA-A1-ZZ-DR-A-06007 P03	BLOCK 1 - SECTIONS 003
20002-BCA-A1-ZZ-DR-A-06011 P03	BLOCK 2 - STREET SECTIONS 001 + 002
20020-BCA-A2-00-ZZ-DR-A-05009 P06	BLOCK 2 - SOUTH FACING ELEVATION
20020-BCA-A2-00-ZZ-DR-A-05010 P06	BLOCK 2 - NORTH FACING ELEVATION
20020-BCA-A2-00-ZZ-DR-A-05011 P11	BLOCK 2 - EAST FACING ELEVATION
20020-BCA-A2-00-ZZ-DR-A-05012 P10	BLOCK 2 - WEST FACING ELEVATION
20020-BCA-A3-ZZ-DR-A-06009 P04	BLOCK 2 - CROSS SECTIONS
20020-BCA-A3-ZZ-DR-A-06010 P03	BLOCK 2 - LONG SECTIONS
20002-BCA-A3-ZZ-DR-A-05015 P06	BLOCK 3 & 4 - EAST ELEVATIONS
20002-BCA-A3-ZZ-DR-A-05016 P05	BLOCK 3 AND 4 - WEST ELEVATIONS
20002-BCA-A1-ZZ-DR-A-05013 P05	BLOCK 3 & 4 - SOUTH ELEVATIONS
20002-BCA-A1-ZZ-DR-A-05014 P05	BLOCK 3 & 4 - NORTH ELEVATIONS
20002-BCA-A3-ZZ-DR-A-06013 P03	BLOCK 3 & 4 - SOUTH SECTIONS
20002-BCA-A3-ZZ-DR-A-06015 P04	BLOCK 3 & 4 - EAST SECTIONS
20020-BCA-XX-01-DR-A-04001 P21	GROUND FLOOR PLAN
20020-BCA-XX-01-DR-A-04002 P15	FIRST FLOOR PLAN
20020-BCA-XX-01-DR-A-04003 P14	SECOND FLOOR PLAN
20020-BCA-XX-01-DR-A-04004 P13	THIRD FLOOR PLAN
20020-BCA-XX-04-DR-A-04005 P13	FOURTH FLOOR PLAN
20020-BCA-XX-05-DR-A-04006 P13	FIFTH FLOOR PLAN
20020-BCA-XX-08-DR-A-02001 P03	ROOF HEIGHTS PLAN
20020-BCA-XX-08-DR-A-04009 P11	ROOF PLAN
20020-BCA-XX-ZZ-DR-A-05001 P05	LONG SITE ELEVATIONS
3598 101G	LANDSCAPE LAYOUT SHEET 1 OF 2
3598 102G	LANDSCAPE LAYOUT SHEET 2 OF 2
20157-DLS-JUBB-V1-ZZ-DR-C-0499 P03	EXISTING LAYOUT AND RUN OFF
RATES	
20157-DLS-JUBB-V1-ZZ-DR-C-0500 P04	DRAINAGE STRATEGY LAYOUT
20020 - BCA - XX - 00 - DR - A - 01001 S3 P3	SITE LOCATION PLANNING
20020 - BCA - XX - 00 - DR - A - 01003 S3 P3	SITE LOCATION PLANNING
BCA-XX-ZZ-DR-A-09053 P1	EXISTING BMW GARAGE AREA DRAWING
BLOCK 3 & 4 TYPICAL MATERIAL STUDY 01	
BLOCK 3 & 4 TYPICAL MATERIAL STUDY 02	

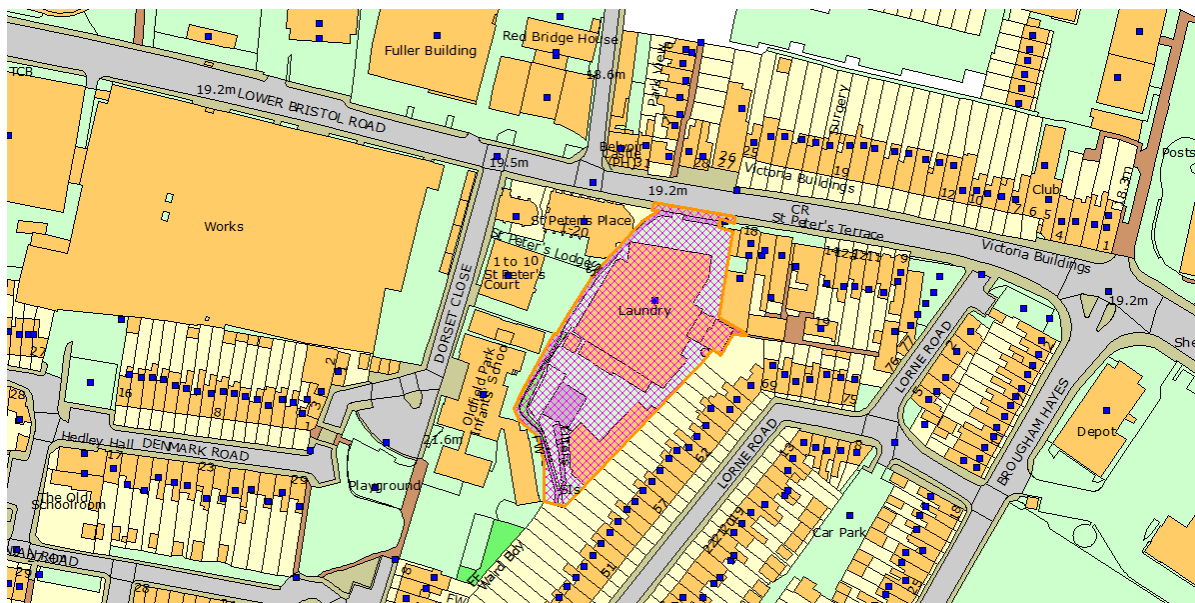
DECISION MAKING STATEMENT

In determining this application, the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework. The Council has worked positively and proactively with the applicant to seek to resolve the issues identified. However, for the reasons given, and expanded upon in a related case officer's report, no agreeable solution could be found, and the application has been recommended for refusal.

2 Community Infrastructure Levy

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

Item No: 02
Application No: 20/03166/FUL
Site Location: Regency Laundry Service Lower Bristol Road Westmoreland Bath
Bath And North East Somerset



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

Ward Members: Councillor Colin Blackburn Councillor June Player

Application Type: Full Application

Proposal: Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Lower Bristol Road Bath Limited

Expiry Date: 4th December 2020

Case Officer: Chris Griggs-Trevarthen

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

REPORT

REASONS FOR REPORTING TO COMMITTEE

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

DESCRIPTION

The application site measures 0.44 hectares and is located off the Lower Bristol Road, between Dorset Close and Lorne Road approximately 0.6 miles west of the city centre. It

currently accommodates the Regency Laundry which comprises a single storey building with a curved roof that reaches approximately three-storey height and a two-storey frontage. The footprint of the existing building covers a large part of the site area.

The site is located within the Bath World Heritage Site but is not located within the Bath Conservation Area. The majority of the site falls within flood zone 2 with only a few areas falling within flood zone 1. There are a number of listed buildings which lie on the north side of Lower Bristol Road directly opposite the site including: Victoria Buildings (Grade II), Belvoir Castle (Grade II) and Park View (Grade II). The site is also identified as a site of potential concern in relation to contaminated land. The site is also located within the Bath Air Quality Management Area ("AQMA") and is within the Bath District Heating Priority Area.

This application seeks permission for the demolition of all existing buildings on the site, the erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bay. This includes the following:

1. 155 co-living studios
2. Shared kitchen, living, and communal amenity spaces totalling 494 sqm
3. 261 sqm of co-working space at ground floor level, which is part resident only and part publicly accessible
4. External landscaped areas including the opening up of the existing culvert
5. 155 cycle spaces and 2 car parking spaces.

The application proposes to provide 20% of the co-living studios as affordable housing. This equates to the provision of 31 co-living studios. The proposed tenure of these affordable dwellings would be discount market rent provided at 80% of the Open Market Rent. The application also includes an additional financial contribution of £49,000 towards the provision of off-site forms of affordable housing.

PLANNING HISTORY

The site has operated as a laundry for a significant length of time and, other than smaller extensions, alterations to shop fronts and signage, it does not have any planning history of relevance to this current application.

ENVIRONMENTAL IMPACT ASSESSMENT

A screening opinion for this development issued by the Council in June 2020 and concluded that it does not represent EIA development. Whilst there have been minor changes to the proposals since that date, these have not been of such significance to change the conclusion that the proposal is not EIA development.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HOUSING: No objection, subject to securing affordable housing

CONTAMINATED LAND: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection in principle

More information about discharge rates required alongside details of downstream capacity and naturalised watercourse.

SUSTAINABILITY ASSESSOR: No objection

ENVIRONMENTAL MONITORING: No objection, subject to conditions

URBAN DESIGN: Scope for revision

The scheme is too great in footprint, scale and mass for the context. Public realm quality is compromised by the layout, highways dominance and scale of development. Sustainable construction measures are inadequate. Architecture lacks provision of quality living spaces and arrangements of homes for residents. There is much scope for improvement of the design for this proposal all round.

CONSERVATION OFFICER: Scope for revision

A scheme that is more unified in both design and use of materials and better reflects and responds to the character of the area is likely to result in more successful scheme

The impact on nearby heritage assets, designated and undesignated, is regarded as less than substantial and at the lower end of harm: negligible to slight.

ARBORICULTURE: No objection, subject to conditions

LANDSCAPE: No objection, subject to conditions

ECOLOGY: No objection, subject to conditions

PARKS: No objection, subject to planning obligations for greenspace enhancement

HIGHWAYS: No objection, subject to conditions and planning obligations

PLANNING POLICY: Objection

Loss of industrial - Policy ED2B 'Non-Strategic Industrial Premises' applies. There are strong economic reasons why this proposal for residential development resulting loss of industrial land is inappropriate taking into account the significant losses of industrial land that have occurred since 2011, the increased demand for industrial land and the lack of future supply in Bath. It is considered that the site is still capable of offering premises for industrial use.

ECONOMIC DEVELOPMENT: Objection

Economic Development cannot support the planned proposal, which would equate to the significant loss of commercial floorspace and employment within Bath & North East Somerset, for the following summarised reasons.

These are as follows:

- o A marketing period of 12 months on the open market has not been undertaken to demonstrate redundancy as an employment use.
- o As noted in the previous response the planned losses of Core Strategy Policy B1 have already been exceeded.
- o There are significant negative impacts of the loss of industrial space within BaNES and Bath in particular. Impacts in terms of employment growth, the proper functioning of the economy and the loss of future activity to other areas, further compounding these issues, if this trend continues.

AVON AND SOMERSET POLICE: No objection

VIABILITY ASSESSOR: Comments

C&W's revised appraisal produces a RLV of £247K, which is in line with the Applicants' appraisal and therefore supports the results of the Applicants' assessment.

Considering the latest information provided by the Applicant, C&W are of the opinion that the revised Affordable Housing proposal from the Applicant appears reasonable in the context of scheme viability.

ENVIRONMENT AGENCY: No objection, subject to conditions

COUNCILLOR JUNE PLAYER: Objection

Cllr. Player objects to the application for the following summarised reasons:

1. The proposals are too tall and dense for its location, it constitutes overdevelopment and will detract from historic buildings near the site.
2. It lacks architectural features of merit and does not follow the pitched roof style of the neighbouring buildings. It is a hard, flat and boring box-like design.
3. The choice of materials includes far too much grey metal cladding and is unsightly.
4. Loss of light and overlooking to St Peter's Place, particularly flats 1, 2, 7, 8 and 13 (and possibly 20), including impacts upon living rooms, gardens and private terraces.
5. Overbearing impact of the eastern building upon the gardens of Lorne Road.
6. The Urban gull management plan is unsuitable and inadequate, and gulls should be designed out from the beginning.
7. Insufficient landscaping for the number of proposed residents and would fail to soften the impact of the development in the street scene.
8. Loss of the exposed Marl Brook to the front of the proposals will have a negative impact upon ecology.
9. The proposals are only offering a single housing type and the short tenancies will not be conducive to building sustainable communities.
10. The loss of further industrial capacity to that already lost in the city will be harmful to the provision of jobs within Bath and to sustaining a mixed economy within the city. The proposals are contrary to policy ED2B.
11. The site could be redeveloped for B1 usage which by its very nature is compatible with residential areas. The applicant has also failed to evaluate a mixed-use development,

with a combination of light industrial and residential use. The applicant has also failed to market the site.

12. The submitted LVIA's are of no real benefit as they are from too far away, further LVIA's showing the local impact should be submitted.

13. Planning decisions such as this should be postponed until we know the longer term impact of Covid-19.

14. There is a lack of parking provision in an area which already has serious parking issues.

BATH PRESERVATION TRUST: Objection

In principle, the Trust is supportive of the residential redevelopment of the site. They feel that a scheme of an appropriate design and scale could positively contribute to the social, architectural, and aesthetic significance of the streetscape. However, considering the low-rise appearance of the townscape and high concentration of Grade II 19th century terraces within the immediate contextual setting of the laundry site, they feel the proposed design in its current form would fail to respect or reinforce local distinctiveness and local townscape character, and would harm the setting of multiple Grade II buildings due to the proposed overall increase of site height and massing, and lack of meritorious detailing or form.

They consider the application is therefore contrary to Section 12 and 16 of the NPPF, and Policies B1, B4, BD1, CP6, D1, D2, D3, D5, and HE1 of the Core Strategy and Placemaking Plan. We would therefore encourage a reconsideration of design and use of materials to better complement the existing streetscape of Lower Bristol Road whilst becoming of greater visual interest in its own right.

They also have concerns with the introduction of a co-living scheme within the context of Covid-19, which is overly dependent on communal space to make up for private studio rooms that do not meet nationally described space standards or local policy requirements for housing mix.

BATH HERITAGE WATCHDOG: Objection

The site however does have significance on industrial heritage grounds and there is nothing in the application that marks this, nor properly justifies its loss.

The off-set glazing of the entrance facade throws the whole out of visual aesthetic balance. There is a lack of contemporary detailing. It would have also benefited from having a roof. The other elevations show what is now standard for blocks of this type, of long stretches of wall with little or no set back and articulation and clad in an 'off the shelf' range of materials dominated by the 'see it everywhere' metal cladding mounted vertically. The point about lacking horizontal detail is continued on all elevations.

The roofscape is overlooked with a token bit of semi-mansard and flat roof with sedum. The surrounding roofscape contains red clay tiles so the proposal is not sensitive to this setting. The flat roof will be attractive to gulls.

The stand-alone element (eastern building) is the poorest feature and resembles a hay barn of agricultural design. The lack of windows is understood, but the elevational treatment could have been better handled.

The approach to vernacular should reflect residential housing in the area rather than industrial models or student blocks. The same applies to the proposed materials

The floor risk assessment should consider flooding caused by run-off from the southern hills, not just fluvial risk.

The proposal seeks to maximise units and given the constrained limits of the site, the design is comprised resulting in a cramped hemmed-in feeling which points to overdevelopment.

There are fears that the 'co-living' use will not be able to prevent student use. This has implications for housing need and parking provision.

THIRD PARTIES/NEIGHBOURS: There have been 29 OBJECTION comments from third parties. The main issues raised were:

Many of the comments considered that the scale of the proposed building at 4 storeys was too big and out of keeping with the locality. It was considered to have an overbearing impact on the adjacent St Peters Place and a harmful impact upon the setting of the nearby listed buildings (Victoria Buildings, Belvoir Castle and Park View).

Several comments also considered that the proposals would jar with the surroundings, appearing incongruous and not in keeping with the surrounding Victorian and Georgian buildings.

Several also considered that the proposals would represent overdevelopment and would appear cramped on the site.

Many comments were concerned about the impact of the proposed building upon the amenities of adjoining neighbours including St Peters Place, St Peters Hall and Lorne Road. There was concern that the proposals would result in significant loss of light, outlook and privacy from private areas serving these surrounding properties. There was also concern about the loss of outlook, light and privacy from the adjacent school and its associated playground. There was criticism of the submitted daylight/sunlight assessment which it was suggested was based upon incorrect assumptions and referred to outdated guidance.

A few of the comments raised concerns over the proposed co-living use, criticising the single tenure nature of the development and stating that it would have an adverse impact upon communities and fail to comply with policy CP10. There were concerns that the proposed co-living use was purpose-built student accommodation in 'disguise' and highlighted a perceived lack of need for further student accommodation and the existing overabundance of HMOs in the area. Others were concerned that the development will be used by 'temporary' or 'transitory' residents who will not contribute towards the community.

There was concern that demand for this type of living would not exist or that these types of living arrangements are not sensible due to the current concerns about Covid-19.

A few of the comments were concerned about the occupiers of the proposed development having parties and generating noise and disturbance beyond that experienced as a result of the current use. There were concerns about litter, noise and anti-social behaviour emanating from the development.

Many were concerned about the lack of parking for the proposed development and felt that 1 disabled space and 1 car club space were insufficient. There is a perception that 'car-free' development does not work and concerns that parking demand from the development will add to already busy streets which are not covered by the residents parking zone ("RPZ"). Several comments highlighted the need for electric charging points.

Several comments highlighted that the loss of industrial land would be contrary to local policy and the objectives for job creation set out in the Core Strategy.

There were concerns that the proposals would result in an increase in traffic which would, in turn, result in an increase in pollution.

Several criticised the proposed co-living accommodation calling it too small with poor levels of outlook and daylight. They also highlighted the lack of outdoor space available to occupiers and considered the development to be unsustainable. Several also considered that the proposed flats were not futureproofed and would be difficult to adapt to a different use if demand were to shift.

There was concern about a lack of greenery on the site and that the proposals would 'hide' the Marl Brook to the detriment of wildlife and ecology.

There was concern that the proposed flat roofs and use of sedum roofs would attract urban gulls which are a nuisance.

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

Comments suggested that the proposals would help to transform and regenerate a vacated brownfield site. It was suggested that the scale was in line with recently consented or completed development and that it would assimilate into its surroundings well. It was suggested to enhance the area, improve the environment and visual appearance of the area.

Several suggested that the co-living units would support young professionals, graduates and single households in the city with finding accommodation and described it as an 'affordable living method'. It was suggested that the development will help meet the city's housing targets and address the housing shortage. It was also suggested that it would ensure that the city does not lose its graduates.

It was considered that the proposal provides a significant amount of affordable housing and that this was rare for Bath developments.

The co-working lounge was considered to be a benefit of the scheme which would be available to the occupiers as well as the wider community. It would also provide the site with an active frontage.

It was suggested that the proposals would provide economic benefits to the local economy as it would support local businesses and generate jobs in both its construction and operational phases.

Several comments were made to suggest that the developer has a track record for delivery.

The proposed sustainability features of the development were highlighted alongside the public realm improvements that would be provided.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY

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

- DW1 District Wide Spatial Strategy
- SD1 Presumption in favour of Sustainable Development
- B1 Bath Spatial Strategy
- B4 Bath World Heritage Site
- B5 Strategic Policy for Bath's Universities
- CP2 Sustainable Construction
- CP4 District Heating
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP9 Affordable Housing
- CP10 Housing Mix
- CP13 Infrastructure Provision

PLACEMAKING PLAN

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

SCR1 On-site Renewable Energy Requirement
SCR2 Roof-mounted/Building-integrated Scale Solar PV
SCR5 Water Efficiency
SU1 Sustainable Drainage
BD1 Bath Design Policy
D1 General Urban Design Principles
D2 Local Character and Distinctiveness
D3 Urban Fabric
D4 Streets and Spaces
D5 Building Design
D6 Amenity
D8 Lighting
D9 Advertisements and Outdoor Street Furniture
HE1 Historic Environment
NE1 Development and Green Infrastructure
NE2 Conserving and Enhancing Landscape and Landscape Character
NE2A Landscape Setting of Settlements
NE3 Sites, Species and Habitats
NE6 Trees and Woodland Conservation
PCS1 Pollution and Nuisance
PCS2 Noise and Vibration
PCS3 Air Quality
PCS5 Contamination
PCS7A Foul Sewage Infrastructure
H7 Housing Accessibility
LCR7B Broadband
LCR9 Increasing the Provision of Local Food Growing
ST1 Promoting Sustainable Travel
ST2 Sustainable Transport Routes
ST7 Transport Requirements for Managing Development

SUPPLEMENTARY PLANNING DOCUMENTS

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

ADDITIONAL GUIDANCE

Bath City Wide Character Appraisal (2005)
Strategic Flood Risk Assessment (SFRA) of Bath and North East Somerset (2009)
Bath Building Heights Strategy (2010)
Green Infrastructure Strategy (2013)
West of England Sustainable Drainage Developer Guide (2015)
Bath Air Quality Action Plan (2016)
The City of Bath World Heritage Site Management Plan 2016 - 2022

NATIONAL POLICY AND GUIDANCE

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

8 - 12 Achieving sustainable development and the presumption in favour of sustainable development

55 - 58	Planning conditions and obligations
81 - 83	Supporting economic growth
92	Achieving healthy, inclusive and safe places
98	Access to networks of high quality open spaces
107	Setting parking standards
119 - 120	Making effective use of land
124 - 125	Achieving appropriate densities
123 - 132	Creation of high quality buildings and places
134	Refusing poor design
157	Decentralised energy and minimising energy consumption
162 - 168	Planning and flood risk
174	Conservation and enhancing the natural environment
180	Habitats and biodiversity
183 - 187	Ground conditions and pollution
189	Significance of heritage assets
194 - 197	Proposals affecting heritage assets
199 - 208	Heritage assets and public benefits

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Loss of industrial use
2. Co-living and co-working
3. Affordable Housing
4. Design
5. Heritage
6. Residential amenity
7. Highways and parking
8. Ecology

10. Trees and woodland
11. Parks and open spaces
12. Flood risk
13. Drainage
14. Contaminated land
15. Air quality
16. Sustainable construction and climate emergency
17. Public benefits
18. Other matters
19. Planning balance
20. Conclusion

1. LOSS OF INDUSTRIAL USE

The existing site was until recently in use as a commercial laundry (class E(g)(iii)) with an element of a dry-cleaning service provided on-site as well. The proposals will therefore involve the loss of the existing industrial use.

Policy ED2B of the Placemaking Plan relates to non-strategic industrial sites that are not offered protection under policy ED2A. Here applications for changes of use to non-industrial/B use class employment uses will normally be approved unless there are strong economic grounds for refusal. Evidence of unsuccessful marketing on reasonable terms for 12 months prior to an application and during a sustained period of UK economic growth will be taken as evidence that there is not a strong economic reason for refusal.

First, it is necessary to consider whether there is a strong economic reason for refusal. What constitutes a strong economic case is not defined within the Placemaking Plan, but this policy must be viewed within the context of the Core Strategy and its objectives.

Policy DW1 makes provision to accommodate a net increase of 10,300 jobs by 2029 with policy B1.2a identifying an overall net increase in jobs of 7,000 for Bath. Strategic Objective 3 of the plan proposes "maintaining an appropriate supply of land in Bath for industrial processes and services to ensure the city retains a mixed economy" and Policy B1.4 indicates that the plan will work to "achieve a better balance between the overall number of jobs in the city and the resident workforce" and that "Economic diversification will reduce the need for a significant minority of resident workers to out-commute to other areas."

The Core Strategy identifies also identifies the following as one of the strategic issues facing Bath:

"Alongside measures to diversify the economy, industrial enterprise must be allowed to compete in the land market in order to sustain a mixed employment offer for a multi-skilled workforce"

Notwithstanding, the above Policy B1.2e plans for a contraction in the demand of industrial floor space by about 40,000sqm over the plan period but seeks to sustain a mixed economy to support Bath's multi-skilled workforce and multi-faceted economic base by retaining a presumption in favour of industrial land in the Newbridge Riverside area.

In addition to the above, the Council have published a guidance note on the implementation of policy ED2B setting out the criteria to determine whether a strong economic reason exists. These are set out below alongside commentary about their relevance to the current application.

Progress against the area specific managed changes in industrial floorspace stated in the Core Strategy

The latest annual monitoring report shows a net loss of over 45,092 sqm of industrial floorspace in the period of 2011-2018. This exceeds the managed reduction of 40,000 sqm in the Core Strategy plan period between 2011-2029. A further loss of 11,000 sqm is also anticipated through extant permissions and site allocations in the Placemaking Plan. This would result in excessive losses of industrial floorspace which would be contrary to policy B1 and would risk harming the ability of Bath to meet its strategic objectives.

In respect of jobs growth, there has been a net growth of approximately 1,900 jobs, 800 short of the 2,722 jobs that would have needed to have been created by 2018 to meet the growth targets of the Placemaking Plan. This places further emphasis on the need to support the economic development strategy and to prevent further losses of industrial floorspace which could support additional jobs growth.

Employment & Business Sectoral Growth - growth in business and employment sectors that do or could occupy the site in question.

When looking at the ONS Annual Population Survey Data it shows that between 2019-2020 there was a 1.8% (5.2% 2019, 7% 2020) increase in the percentage of the BaNES population employed in the manufacturing sector and a 0.8% (6.5% 2019 7.3% 2020) increase of the population employed in the construction sector. This demonstrates employment growth in the business sectors which could occupy the site.

Present use - Is the site presently in occupation and how many people are employed there?

The site is currently occupied by Regency Laundry, a commercial laundry company. However, they have advised that from October this year they will be vacating the site and moving to a new site in Corsham, Wiltshire. The reason given for their vacating the premise is that they have reached the limits of available capacity on the site due to its logistical and environmental constraints and that they were seeking larger and more modern premise.

That the existing tenant has operated successfully and has now outgrown the premises is noted, and their identification of possible expansion sites is very welcome by Economic Development. However, the fact that the current occupier is expanding does not imply that the site is redundant for any further commercial/industrial use.

The site will therefore shortly be vacant, but prior to this has been in continuous operation as a commercial laundry since 1879. The information submitted with the application suggests that the current business employs 85 people, although it is unclear precisely how many FTE jobs this equates to.

Suitability/ viability - if the site is not currently occupied whether it is in a condition and location that it can viably continue as an industrial employment site

A report from a commercial property agent, Hartnell Taylor Cook, submitted with application considers the existing site to be categorised as Grade C stock and describe the building's condition as varying between fair and poor. The report also highlights a range of issues with the property's condition ranging from some water ingress, limited WC and amenity space, access constraints and poor energy performance.

The report also indicates that, due to the length of time the property has been in use as a commercial laundry, it has clearly been tailored to the needs of the laundry businesses and would likely require some modification if taken on by a different industrial use.

The report concludes that, due to the property's age and bespoke configuration, that the building would be unlikely to attract meaningful commercial interest from developers or owner-occupiers on viability grounds. It is noted that the submitted reports from commercial agents consider continued use of the building for industrial purposes 'unlikely', but none go as far as to suggest that it would be impossible for the building to be used for another industrial purpose in its current condition.

However, the site does benefit from a desirable central location. Economic Development advise that such sites in the city of Bath are very rarely available, with the recent erosion of commercial floorspace narrowing the city's economic base and limiting property options for the business that remain.

The site is surrounded by residential uses and a school. It is therefore less likely to be suitable for heavy industrial use (B2), although this would depend upon the specific circumstances of the case. However, it is relevant that premises have been in continuous operation as a laundry business without any significant record of complaints for a significant length of time. The site would therefore clearly be suitable for a class E(g)(iii) use, e.g. an industrial process being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. It may also be suitable for a B8 use depending upon the specifics of any proposal.

The applicant has also sought to provide financial viability appraisals for two alternative scenarios: the refurbishment of the existing space and redevelopment of the site for an industrial use.

However, there are several assumptions underlying these viability appraisals which are either erroneous or not transparent.

The viability for the refurbishment of the existing space assumes that the entire footprint of the premises needs to be refurbished despite the commercial property report describing

building's condition as varying from fair to poor. However, it is possible that a more selective approach to bringing the property up to an appropriate standard would be adopted by any prospective purchaser. They are likely to be multiple different scenarios for refurbishment depending upon the interested occupier and thus the assumed refurbishment scenario does not prove that a refurbishment of the premises would be unviable in all scenarios.

The selected refurbishment scenario also assumes other costs, such as the infill of the reservoir, when it may be the case that other industrial processes which require access to a suitable water source may seek to retain this. The letting period is assumed to be 12 months 'reflecting the market for this tertiary asset in this location'. However, as discussed in the section below, there is a high level of demand for this sort of industrial property and limited supply, so these suggested figures appear pessimistic.

The viability for the proposed redevelopment as industrial use makes an even greater number of assumptions. Firstly, it asserts that the site does not lend itself to a large, single occupier given the proximity to residential properties and an Infants school. However, the site is currently occupied by a large single occupier and there is no reason to believe that another large single E(g)(iii) use could not occupy the site without harming the amenities of local residents. This leads to the viability appraisal assuming 6 to 8 individual units would be created which has the knock-on effect of duplicating the amount of office floorspace which would be required to services these units and for which there is a substantially higher cost per square foot.

The appraisal also erroneously includes planning costs of £15,000 which should not be included within an NPPG compliant viability appraisal. In addition, the appraisal also applies a 25% discount from the residual land value to account for planning permission for a change of use, which appears to represent double counting of a cost which shouldn't even be included in the appraisal in the first place.

Fundamentally, the appraisal shows only one potential redevelopment scenario and there would be many ways in which the redevelopment of the premises for an industrial use could be developed. Thus, a viability report based upon one scenario does not prove that redevelopment of the site for an industrial use would be unviable in all scenarios.

Notwithstanding, this fundamental flaw in the applicant's approach to viability and the specific issues with the submitted report, the viability report shows a residual land value of £202,000 under the assumed redevelopment scenario. The benchmark land value, agreed as part of a separate viability exercise relating to the proposed affordable housing provision, is also £202,000 thereby suggesting that this scenario is actually viable. The submitted report seeks to paint this as unviable by suggesting that the landowner seeking to release the site for redevelopment would have to have 'consideration of the commercial reality of the market', but that is not a factor under the NPPF/NPPG approach to viability.

Demand - if the site is vacant is there any information on the level of commercial demand for the site, this is defined by evidence of marketing on reasonable terms for 12 months prior to an application and the interest from the market.

Whilst the site is not currently vacant, it shortly will be when the current business moves from the property.

The premises were not marketed for a commercial user prior to the submission of the application. The only marketing undertaken was by direct approach to a limited number of selected developers for redevelopment purposes.

The commercial reports submitted with the application suggest that this is because they considered it unlikely that the existing buildings would provide a competitive value and return in continued operation as a warehouse or for some industrial process. It is suggested in the submitted reports that although initial interest might be forthcoming it was considered that no tenant would be prepared to enter into a full repairing lease of such an old and unusual building given the costs involved. Some of these assumptions have already been discussed and challenged above, but the failure to market the site means that it was not possible to test whether these assumptions were sound or not.

The Council's Economic Development team have provided evidence about the high levels of demand for industrial space within Bath.

A recent commercial report (Alder King Marketing Monitor 2021) noted that "Demand for good quality industrial space remains strong, with a number of active requirements, particularly for freehold space. However, options within the city continue to be almost non-existent. Supply is limited to second-hand stock. There has been no speculative industrial/distribution development in Bath and none is expected for the foreseeable future with alternative uses still able to significantly outbid industrial and logistics occupiers. Occupiers struggling to find accommodation of a modern specification are therefore forced to consider locations outside Bath"

Whilst the existing premises is low grade stock, the Hartnell Taylor Cook report submitted with the application indicates that the majority of deals on the take up of industrial space in Bath have been concluded on Grade C (poor) floorspace (Hartnell Taylor Cook, page 10) demonstrating that there is still a demand for the lower grade stock.

The Bath & North East Somerset Employment Growth and Employment Land Review by Hardisty Jones Associates and Lambert Smith Hampton March 2020 also provides useful analysis of the chronic shortage of industrial space within the area and the detrimental impact it is having on the functioning of the economy.

Key points from this report demonstrate the negative impact the loss of industrial space has had within B&NES and Bath in particular. Future impacts in terms of employment growth, the proper functioning of the economy and the loss of future activity to other areas, further compounding these issues, if this trend continues.

Furthermore, Economic Development have provided details of enquiries received from businesses seeking these sorts of premises since September 2020. This demonstrates that there have been a significant number of enquiries seeking this size of industrial premise in Bath.

In addition, the applicant has recently begun marketing the site. Following the initiation of this latest marketing exercise, the Council was contacted directly by a business expressing a direct interest in redevelopment of the site for industrial use.

Loss of industrial use conclusions

There has been an excessive loss of industrial premises in Bath which threatens the ability to meet the economic development objectives of the Core Strategy in terms of maintaining a mixed economy, reducing out commuting and jobs growth. There is evidence of growth in the relevant business sectors which could occupy the site and, whilst the current occupiers will be vacating the site due to it no longer meeting their needs, the site has been in continuous use for industrial purposes since 1879.

Whilst the existing premises represents relatively low-quality stock, there is clearly very strong demand for industrial premises in Bath. The applicant's evidence that the site is not suitable or viable is based upon assumptions which are untested due to their failure to market the premises. This is further borne out by the industrial interest arising from the recently initiated marketing of the premises.

It is therefore considered that there is a strong economic reason why the residential development of this site would be inappropriate. Evidence of unsuccessful marketing on reasonable terms for 12 months prior to an application has not been provided to demonstrate that there is not a strong economic reason for refusal. The proposals are therefore contrary to policy ED2B and would be harmful to the economic development objectives of the policies DW1 and B1.

2. CO-LIVING AND CO-WORKING USE

Co-living is a relatively new housing model with only a small number of examples around the country and no existing examples with the B&NES district. It is a type of shared living concept where there is a strong focus on the creation and nurturing of a sense of community usually comprising smaller living spaces with generous communal amenity spaces and facilities. It is distinct from other forms of shared living like PBSA due to the greater level of amenity spaces provided, the services and facilities provided, the range of tenancies available and the targeting of young professionals, graduates and single households.

The Core Strategy and Placemaking Plan are silent on the concept of co-living accommodation, although the principle of new residential accommodation within the built-up area of Bath is acceptable in accordance with policy B1.

The proposed co-working lounge (261 sqm) will be partly for residents only and part publicly accessible. Whilst the use by residents would likely be considered ancillary to the overall co-living use, the use by visiting members of the public may represent a separate office use. A co-working lounge is considered to be a main town centre use and the site is located outside of any of the centres located on the policies map. It is therefore necessary to consider the proposal against policies CR1 and CR2 of the Placemaking Plan.

Policy CR1 requires that a sequential test is undertaken unless the proposals is of small scale (less than 280sqm gross floorspace). Similarly, policy CR2 requires an impact assessment to be undertaken for office proposals where they are over 2,500sqm (gross). The proposed co-working lounge falls beneath both of these thresholds and therefore considered to be small scale. There is no requirement for the proposal to pass the sequential test or undertake an impact assessment.

The proposed co-working lounge is therefore considered to comply with policies CR1 and CR2 of the Placemaking Plan and is acceptable in principle.

3. AFFORDABLE HOUSING

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

The application proposes to provide 20% of the co-living studios as affordable housing. This equates to the provision of 31 co-living studios. The proposed tenure of these affordable dwellings would be discount market rent provided at 80% of the Open Market Rent. The application also includes an additional financial contribution of £49,000 towards the provision of off-site forms of affordable housing.

In seeking to justify the lower level of affordable housing than the 30% required by the policy, the applicant has submitted a viability appraisal as permitted to do so in accordance with policy CP9.

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

Therefore, whilst the proposed level of affordable housing is lower than the 30% required by the policy, it is considered that this is justified by the scheme's viability. The proposals are therefore considered to provide affordable housing in accordance with policy CP9 of the Core Strategy.

4. DESIGN

The proposals have been subject to pre-application discussions and has previously been reviewed by the Council's preferred Design Review Panel (Design West). The submitted plans have sought to address the pre-application feedback and Design Review Panel response.

Layout

The layout comprises two buildings. The main larger building orientated on three axes and has a frontage facing towards Lower Bristol Road. The frontage is set back from the street and the general building line along this part of Lower Bristol Road. Approximately two thirds of the frontage have the same building line as the existing building, but the co-working lounge element projects further forward (although still behind the general building line along Lower Bristol Road).

The main building then extends southwards back into the site before turning towards the south-east. The smaller building is located in the rear of the site to the east of the main building and has a rectangular footprint. The external cycle store is located along the eastern boundary of the site and is accessible via a walkway to the east of the frontage part of the main building.

Concern has been raised by the Urban Designer that there is insufficient space around the proposed buildings. The proposed building is relatively tight to some of the site boundaries considering its size, but it is located in a fairly densely built-up area of Bath and the spaces afforded around the building are considered to be, on balance, acceptable.

The location of the co-working lounge will generate activity which will help to give primary street elevation an active frontage and is supported.

Height, Scale and Massing

The area surrounding the site comprises a mixture of two and three storey buildings. St Peter's Place immediately adjacent to the site has a three storey scale with a large roof form characteristic of its former use as a church.

The main building has three different heights; the forward projecting co-working lounge is single storey, the frontage onto Lower Bristol Road is three storeys and the rear part of the building is 4 storeys with the top storey located within a mansard roof. The building then drops back down to 3 storeys as it turns towards the southeast corner of the site. The separate rectangular building is three storeys with a pitched roof form.

The use of 4 storeys goes slightly beyond the prevailing height in the surrounding area. However, as this is located towards the rear of the site it is largely hidden from public viewpoints and will not appear unduly prominent or out of keeping with the surroundings.

The Conservation Officer and other third parties have raised concerns about the use of flat roof forms which they consider not to be in keeping with the more traditional pitched roof forms in the surrounding area. Whilst a pitched roof would have been preferred, it would have added additional height to the proposed building making it more prominent. Furthermore, the Landscape Officer has raised no criticism of how the roofscape appears in distant views.

The proposed building has a large footprint, but the way it has been broken into separate elements is relatively successful in breaking down the massing of the building, particularly on the site frontage. It maintains a human scale to the street scene and the single storey co-working/café projection evokes the character of the single storey shop fronts attached to Victoria Buildings opposite.

The 3 storey pitched roof separate building sits comfortably within the site and is of an appropriate scale, height and massing.

Landscaping

The existing site is primarily covered in hardstanding and does not contribute much in the way of greenery other than the existing trees on the site boundaries. An illustrative landscape masterplan and Landscape Strategy have been submitted and reviewed by the Landscape Officer. These present a well-considered response to the site that has the potential to both create a high-quality external environment for the residents of the proposed development and considerably enhance the site's green infrastructure, biodiversity and nature conservation value. A detailed landscaping scheme can be secured by condition.

Identity, materials and detailing

The proposals utilise a variety of materials for its elevation including lias stone, brick, coloured panels and metal cladding. Some concerns have been raised by the Urban Design and Conservation Officer about the materials palette being over complicated and requesting a more simplified and unified approach to materials. Whilst these concerns are noted, the only highly visible elevation is the north elevation onto Lower Bristol Road. The materials on this elevation are limited to bath stone and lias limestone with a small amount of metal cladding which are considered appropriate in this context. Other elevations towards the rear of the site are not particularly visible in public views and the visual impacts are limited and contained by the two and three storey residential and educational buildings which surround it. It is also possible that the precise specification and the palette of materials could be rationalised and improved as part of a planning condition requiring further details of materials.

Design conclusions

The layout, height, scale, massing and form of the proposed building are, on balance, acceptable due to the limited visibility of the rearward portions of the site and the lowering of the scale of the building towards the more visible site frontage. The use of materials is also acceptable (subject to conditions seeking to simplify the palette of materials). The landscaping proposals are positive and will result in a significant greening of the site compared to the existing situation.

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

5. HERITAGE

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

World Heritage Site

A Landscape and Visual Impact Assessment ("LVIA") has been submitted with the application and assesses the impact of the development from several viewpoints. This has been reviewed by the Landscape Officer who has assessed the impact upon the World Heritage Site.

Given the 3/4 storey height of the proposed development and its location within an area of the city that has historically been associated with industry and utilitarian residential development, the Landscape Officer considers it unlikely that it would have a significant impact on the Outstanding Universal Value ("OUV") of the World Heritage Site, its authenticity or integrity.

The set back nature of the existing building's northern frontage onto the Lower Bristol Road and its three-storey height mean that its landscape and visual impact are limited and contained by the two and three storey residential and educational buildings which surround it.

The proposed buildings may be more visually prominent than the existing building as a consequence of their proposed greater three and four storey height. However, the submitted elevations and 3D view on the cover of Design Statement would suggest that the experience of any increased landscape and visual impact as a result of the development's height is likely to be largely restricted to the occupants of neighbouring properties rather than in distant or sweeping views.

The Conservation Officer also concludes that there would be no detrimental impact upon the OUV of the World Heritage Site.

The proposed development is therefore considered to preserve the OUV of the World Heritage Site and complies with policy B4 and HE1 of the Core Strategy/Placemaking Plan in respect of the World Heritage Site.

Listed buildings

The nearest listed buildings are located opposite the site on the Lower Bristol Road, including Victoria Buildings (Grade II), Belvoir Castle (Grade II) and Park View (Grade II). These two storey, primarily terrace, properties line the opposite side of the street to the application site.

The existing laundry building on the site does not make any positive contribution towards the setting of these listed heritage assets. The impact of the existing laundry is described by the Conservation Officer as negative/neutral and therefore its removal is not considered to be harmful to the setting of the nearby listed buildings.

The proposed building is of greater scale and projects further forward than the existing building. The proposed development is therefore more prominent than the existing building. Furthermore, the Conservation Officer has highlighted some matters relating to

the design which do not respond as successfully to the site's context. To this end, they have identified less than substantial harm to the setting of these nearby listed buildings. They have suggested that this is at the lower end of harm and described it as negligible to slight.

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

Considerable weight and importance should therefore be given to the harm identified to the above setting of the above listed buildings. In accordance with paragraph 202 this harm should be weighed against the public benefits of the scheme (discussed in greater detail in the public benefits section below). In this case, it is considered that the public benefits of the proposed development outweigh the great weight given to the harm identified.

Undesignated heritage assets

Some concerns have been raised about the impact of the proposed development upon the setting of St Peter's Place, a former church which has been converted into flats, immediately adjacent to the site. The former church holds some significance and is considered by the Conservation Officer to be a non-designated heritage asset.

The existing laundry building, whilst of little architectural merit, is clearly subservient to the prominent pitched roof of the former church. The proposed development would be of a greater scale and bulk than the existing building and as a result would start to erode the dominance of St Peter's Place. However, both the height of the frontage nearest to St Peter's Place and the 4 storey element to the rear would still remain lower and subservient to the large roof form of the former church.

The Conservation Officer judges this impact to be at the lower end of harm and described it as negligible to slight (less than substantial).

Paragraph 203 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In this instance, the level of harm identified to the setting of the non-designated asset is low (negligible/slight) and it is considered that the public benefits of the proposals outweigh the harm identified to this non-designated heritage asset.

The laundry building itself contains an unusual and rare example of a C19 iron, 'Belfast' trusses and frame, which possess some historical significance. Whilst not significant enough to justify the retention of the existing building, the Conservation Officer has recommended the inclusion of an appropriately worded condition in order to secure their preservation and reuse, albeit on an alternative site.

7. RESIDENTIAL AMENITY

The application site is surrounded by several existing properties including:

1 - 20 St Peter's Place, a former church converted to flats to the northwest
1 - 10 St Peters Court, a block of flats to the west
18 St Peters Terrace, a 3-storey mixed use terrace east of the site frontage
53 - 68 Lorne Road, a row of two storey terraces along the eastern boundary of the site
Oldfield Park Infants School

1 - 20 St Peter's Place

The 3 storey frontage element of the main building is located between approximately 4 - 8m from the site's boundary with 1 - 20 St Peter's Place. Although the proposed development is taller than the existing building it is set further back from the boundary by several metres. Notwithstanding this, concerns have been raised about the potential loss of light to properties in St Peter's Place. A daylight/sunlight assessment has been submitted with the application which has been undertaken in accordance with BRE guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (2011) which is an industry standard document. The assessment measures vertical sky component ("VSC"), No-Sky Line ("NSL") and Average Daylight Factor ("ADL"). The submitted assessment shows that the proposed development meets the BRE guidance targets for the vast majority of the windows/rooms in St Peter's Place.

There would be some slight deviations from the BRE guidelines to some of the windows serving rooms in St Peter's Place, but the extent of the deviation is small, and most of the rooms effected are served by multiple windows. These deviations must be seen in the context of paragraph 125c of the NPPF which states that:

"local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."

Additionally, the submitted assessment suggested that if a 'mirrored baseline' analysis is undertaken, as is permitted by the BRE guidance, then all of the windows and rooms are compliant. It is therefore considered that the proposed development will not have an undue impact upon the light or outlook of 1 - 20 St Peter's Place.

Whilst there are no windows proposed in the west elevation of the frontage element of the main building, the 4 storey rear element does contain multiple windows serving co-living studios in its west elevation. This element of the proposed building is set further back from the boundary with St Peter's Place (approximately 8 - 11m). The positioning of the two buildings means that the south elevation of St Peter's Place and west elevation of the proposed development are set at an angle of approximately 60 degrees from one another. Distances between windows range between approximately 13 - 30m. Whilst some of these distances are relatively close, the angle of the buildings means that the majority of views that might be obtained will be indirect or at relatively obtuse angles so will have a limited impact upon privacy.

Flat 2 St Peter's Place has a small outdoor yard to the south and flat 7 has a first-floor terrace to the south. The proposed building is set back approximately 10 - 11m from these outdoor spaces. Whilst there will likely be some overlooking of these spaces which will have a negative impact upon their amenity, given the relatively dense urban context and the fact that the proposed building is set back a reasonable distance from the boundary it is not considered such a significant impact as to warrant an objection against policy D6 of the Placemaking Plan.

1 - 10 St Peter's Court

The 4 storey element of the main building is set back approximately 8 - 11m from the boundary with 1 - 10 St Peter's Court. This is considered to be a reasonable set back and will prevent the proposed development from appearing overbearing or resulting in any significant loss of light or outlook. The proposed windows are between approximately 22 - 30m from the rear of St Peter's Court. This generous separation distance is considered to prevent any harmful overlooking from occurring. The submitted daylight/sunlight assessment demonstrates that the proposals would be within the BRE guidelines. The proposed development is therefore considered not to have any significant detrimental impact upon the amenities of 1-10 St Peter's Court.

18 St Peter's Terrace

18 St Peter's Terrace is a 2-storey mixed use terrace property with an extension to the rear. The property comprises a retail shop on the ground floor fronting St Peter's Terrace and, residential uses to the first and second floor in the front part of the building. The rear element of the site is in non-residential use.

The three-storey frontage element of the main proposed building is situated approximately 2m from the side boundary of 18 St Peter's Terrace. The first-floor west elevation of 18 St Peter's Terrace contains several windows serving two bedrooms and a living area. The submitted daylight/sunlight assessment shows that, although there will be an impact upon the light received from some of the windows serving the living area, it is served by multiple windows and will remain within the BRE guidance levels.

There are no windows proposed on the side elevation of the proposed development which would overlook windows within 18 St Peter's Terrace.

The proposed development is therefore considered not to have a significant impact upon the amenity of 18 St Peter's Terrace.

53 - 68 Lorne Road

The proposed separate 3 storey building is set back 5 - 7m from the boundary with 62 - 68 Lorne Road. The distance from the rear elevations of these properties is between 15 - 20m. Given these separation distances and the lower height of this element of the proposals, it is considered that there will not be any significant impact upon the light or outlook from these properties.

The southernmost element of the main proposed building is closer to this boundary ranging from between 3 - 10m. However, the distances from the rear of 53 - 58 Lorne Road remain approximately between 15m - 22m. Given the lower height of this element and the distances involved, it is considered that there will not be any significant impact upon the light or outlook from these properties.

The east elevation of the separate 3 storey building contains only obscurely glazed windows serving corridors. It therefore does not afford any views towards properties in Lorne Road.

Views from the east facing elevation of the 4 storey element of the main proposed building are over 30m from the rear of properties in Lorne Road and the vast majority views will also be screened by the presence of the separate 3 storey building. This separation distance and screening prevents any harmful overlooking from occurring towards Lorne Road.

The southern most elevation of the main proposed building contains only obscurely glazed windows serving corridors in its end elevation. Its north east elevation does contain a range of windows which will look towards the eastern boundary with Lorne Road. However, the angle of the building is approximately 60 degrees and so the views obtained will largely be indirect. The distance from the rear of properties in Lorne Road range from around 19m to over 25m and are not considered to result in any significantly harmful overlooking.

Oldfield Park Infants School

Oldfield Park Infants School is located to the south-west of the site and comprises multiple buildings and structures along with its playground. The main proposed building would range between approximately 11m - 18m away from some of the nearest buildings of the school but would be over approximately 40m from the playground. The proposed development does not appear to offer any significant views into any sensitive or private areas of the school and is a significant distance from the playground. There are no relevant guidelines about appropriate levels of amenity for an Infant School, but it is considered that the proposals will not significantly undermine the privacy or amenity of the school.

Co-living dwellings

Co-living is a type of shared living concept where there is a strong focus on creation and nurturing of a sense of community usually comprising smaller living spaces with generous communal amenity spaces and facilities.

The proposed development provides a total of 155 co-living studios each of which would be provided with a reasonable level of light, outlook and privacy. The rooms range in size from 19sqm to 33sqm with the average studio measuring 22sqm. This is significantly lower than nationally described space standards for normal residential studios, but this is offset to a by the provision of communal amenity spaces comprising the following:

- o A gym/fitness studio
- o 2 communal kitchen and dining areas
- o Reading room
- o TV/Lounge Room
- o Laundry Room
- o Co-working lounge
- o Landscaped gardens

Some criticism of the amount of communal floorspace has been made by the Urban Design Officer. The Design Review Panel also sort for these spaces to be more bespoke with a wider selection of spaces spread throughout the building. However, there is currently a lack of guidance or policy relating to the standards expected of co-living development and there are no other examples in the district to draw upon. The proposals do provide a similar number and amount of communal space as co-living schemes in other districts which have been provided as examples, although the implementation of communal spaces in other schemes appears to have been more elegant than the relatively simplified arrangement of communal spaces in the current proposal.

However, a co-living report (JLL, Stage 2 Co-living report) submitted with the application indicates that the layout of the spaces within the building provides flexibility in terms of their set up and uses allowing the management of the building to change how these spaces are used depending on how the residents occupy them. These spaces will be available to all tenants of the proposed development at no additional cost, including those occupying the affordable units. Tenants will also have access to high-speed broadband and wi-fi.

The development will also be maintained in a single ownership with a professional management service that manages and maintains the building.

Overall, it is considered that the proposals as designed are likely provide a decent living environment and encourage interaction and sociability between the occupiers. However, with few comparable examples to draw upon, it is difficult to know whether the scheme will be successful in achieving the desired sense of a shared living community and the management of the scheme will therefore be critical. The currently submitted co-living management plan is a reasonable framework but¹ should be built upon to include more information about the functions that the management service will undertake to try and encourage interaction between the occupiers. This can be secured by condition.

Residential amenity conclusions

The proposals provide an acceptable level of residential amenity for the potential occupiers and do not have a significantly detrimental impact upon the amenities of adjoining occupiers. The proposals therefore comply with policy D6 of the Placemaking Plan.

8. HIGHWAYS AND PARKING

Vehicle Parking

The Council's Parking Standards are set out within schedule 2 of policy ST7. The site falls within the Bath Outer Zone, but there are no proscribed standards for the proposed co-living use. The parking need for this development therefore needs to be assessed on the merits of the scheme and its location because there are no specific parking standards for this land use.

The Highways Officer considers that the parking requirement is likely to fall somewhere between C3 residential and C2 student accommodation (zero car parking) given the nature of the use.

The site is proposed to have 2 car parking spaces: one disabled bay and one car club Bay. The application documents give examples of other sites with similar accommodation and no car parking; however, each location is different, and these examples may not be directly comparable to this site. The lack of parking controls to the west of this site may mean that residents are tempted to bring a car and park it on-street.

In mitigation of any potential over-flow parking on the highway the applicant is proposing to monitor the impact of the development on parking in nearby streets with a Parking Management Plan and a programme of monitoring (for 5 years) to support this. Occupiers of the development should be ineligible for resident parking permits as well as visitors parking permits.

The Highways Officer has requested a contribution towards the extension of the residents parking zone to the west. However, whilst there are plans for a consultation later this year about extending the resident's parking zone, the outcome of those consultations cannot yet be known. Without certainty or control over whether a RPZ will be introduced in this location it is not possible to secure this contribution as it would fail to meet the CIL regulation 122 tests (e.g. necessary to make the development acceptable).

In addition, the Transport Statement proposes that the car-free nature of the development will be upheld by a clause in the tenancy agreement restricting residents from bringing a car to the site and parking in the surrounding area. This is similar to the approach adopted for many purpose-built student accommodation developments. More detail is however required to ensure that this is an effective and enforceable measure, and this could be set out in the Parking Management Plan which could be secured by condition.

The provision of a car club bay is welcomed, and the applicant has proposed that the developer will support the operation of the car club for 1 year, providing 1 on-site electric vehicle and each resident would be provided with a 1-year membership to the Car Club and £50 drive time. Given the five year period that Travel Plans usually operate and in order to establish sustainable travel behaviour, it would be sought that the developer commit to the car club being in place for at least the first three years of the development and this can be secured through a S106 agreement.

The on-site car club vehicle will be accessible to the general public and residents of the development will have access to other 18 vehicles run by the operator in Bath. An electric vehicle charging point will be provided for both the car club space and the disabled space.

A framework travel plan has also been submitted to encourage a shift to more sustainable modes of transport. This has been reviewed by the Highways Officer and is considered acceptable subject to securing a full Travel Plan by condition or legal agreement.

Based on the above, the Highways Officer has raised no objection. It is therefore considered that the proposed level of parking for parking for this co-living development is acceptable and that the likelihood of any overspill car parking can be effectively mitigated through the measures that can be secured by condition and/or legal agreement. The proposal therefore complies with policy ST7 of the Placemaking Plan.

Cycle Parking

There is no specific cycle parking standard for co-living residential development within policy ST7 and so it must be assessed on its own merits.

It is proposed to provide 155 secure, covered cycle parking spaces on site, which equates to one space per unit. This provision falls below the 2 spaces per unit standard for C3 residential accommodation, but above the standard of 1 cycle per 3 residents for student accommodation. Because the proposed units are small one-bed units, 2 spaces per unit is excessive. Equally, the provision 1 cycle per 3 residents is too low because the occupiers will be full time, permanent residents. The proposed quantum of 1 cycle parking space per resident is appropriate as it falls between these two standards.

The layout of the cycle parking has been detailed including provision for electric charging points for e-bikes and 5 Sheffield stands (10 spaces) to enable larger bicycles to park. In addition, 6 visitor cycle spaces are proposed at the front of the site.

The level of cycle parking for the BTR and PBSA elements complies policy ST7 and is therefore considered acceptable.

Access

The A36, east of Fieldings Road to Churchill Bridge, is a safeguarded road as shown on the Policies Map. This route is safeguarded to provide for future improvements to bus priority, cycle and pedestrian facilities, and public realm enhancements.

The two existing vehicular accesses onto Lower Bristol Road are proposed to be modified to allow servicing and emergency vehicles to enter and exit the site in a forward gear. The revised Transport Assessment shows that the swept path for a large refuse vehicle as well as a large car and Light Goods Vehicle can be accommodated. The access is located at the eastern side of the site's northern frontage, and the exit point is located to the west of the site's northern frontage. This one-way system is considered acceptable by the Highways Officer and can be secured by condition.

Further details of how vehicle access to the forecourt area will be controlled are required. Given that no general-purpose car parking is provided this space would be required for deliveries, taxis, trades etc. This matter can be controlled by condition and it is proposed

that a parking and servicing management plan should be agreed prior to occupation of the site.

A Stage 1 Road Safety Audit has been completed on the proposed access arrangement and no problems were found.

Concerns were originally raised about the width of the access route along the east side of the building from the highway to the rear cycle store. However, the proposed route has been revised to allow at least 1.2m width for residents to manoeuvre their bikes along the east side of the building and this is now considered acceptable.

Traffic impact / Junction Capacity

The submitted Transport Assessment provides further estimates on predicted trip generation and mode share for the number of person trips associated with the proposed development including delivery trip generations.

The existing commercial use of the site would generate approximately 107 daily two way vehicle movements. Applying the 2011 census mode share to the trip predictions for the development suggest that 148 daily two-way trips vehicle trips would be associated with development if there were no constraints on vehicle use and no improvements to sustainable transport.

The development is proposed to be 'car-free', therefore it is expected that additional trips generated by development will primarily be via walking, cycling and public transport. Vehicle traffic will be confined to servicing, deliveries, taxis and visitors. The site is projected to generate an additional 27 pedestrian trips in the am peak hour: 6 bus trips; 4 train trips; and 3 cycle trips. The site is projected to generate a total of 26 delivery/servicing vehicle trips daily with the majority being light goods vehicles.

Given that there is no on-site car parking except 1 no. space for disabled parking and a car club, any vehicle trips would be to and from surrounding areas, either on-street or to public or private car parks. These trips would therefore be dispersed and unlikely to have a significant effect on any one point of the highway network.

Highway officers accept that overall, there will be a reduction in vehicle trips as a result of the development. The transport assessment does acknowledge that the development will increase movements by sustainable modes of travel and the principle of providing walking, cycling and public transport improvements to mitigate the development (discussed below) is accepted.

Pedestrians, cyclists and public transport

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

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

1. Provision of dropped kerbs and tactile paving between Caledonian Road and Dorset Street (western side of carriageway);
2. Provision of dropped kerbs and tactile paving at the Stuart Place junction on Caledonian Road;
3. Provision of tactile paving on Victoria Bridge Road at its junction with Lower Bristol Road;
4. Provision of tactile paving on Victoria Road at its junction with Brougham Hayes;
5. Provision of tactile paving on Livingstone Road at its junction with Brougham Hayes; and
6. Provision of tactile paving on Stanley Road West at its junction with Livingstone Road.

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

Refuse/Recycling

A waste management plan has been submitted and reviewed by the Highways Officer. Some revisions were made to the scheme to ensure separate provision for the commercial and residential waste and the relocation of the residential bin store to allow for collection from the road rather than from within in the site. Following these changes there is no objection to the proposed refuse/recycling facilities.

Construction Management Plan

The site is surrounded by residential properties and located on a busy main route into Bath. A construction management plan would therefore be required to mitigate any impacts upon residential amenity and highways safety during the development. The submitted Construction Traffic Management Plan provides a good framework to manage the impacts of development, but further changes and updates are required by the Highways Officer. These matters could be secured by condition.

Highways conclusions

There is no objection to the proposed development on highways grounds, subject to planning obligations and conditions discussed above. The proposal is therefore considered to comply with policy ST7 of the Placemaking Plan.

9. ECOLOGY

An ecological impact assessment has been submitted and reviewed by the Council's Ecologist. The site comprises mostly hardstanding and buildings which have negligible

potential to support roosting bats and very low potential to support nesting birds. There are very occasional scattered trees around site boundaries. The Marl Brook runs alongside the western boundary, comprising a short open section between two culverts. There is a narrow corridor of scrub including non-native species such as buddleia, Norway maple and Japanese knotweed. This section of the Brook has very limited potential to support protected or notable species.

A series of operational waterbodies within the site does not have potential to support great crested newt, but a precautionary approach should still be applied when these features are drained. Protection and pollution prevention measures for the adjacent Brook will need to be considered as this eventually connects to the River Avon Site of Nature Conservation Interest 320m to the north. Measures to minimise pollution during operation of the site (e.g. fencing and defensive planting) will also need to be detailed.

The closest component unit of Bath and Bradford-on-Avon Bats Special Area of Conservation ("SAC") is 2.8km from the site. The proposals do not appear to meet Natural England's SSSI Impact Risk Zone criteria. There is no credible risk of indirect impacts on the SAC as the Brook and associated habitat corridor is culverted to the north and south, as well as being in an urban and well-lit area. A Habitats Regulations Assessment is not required in this instance. A sensitive external lighting scheme would be welcomed in accordance with Bath and North East Somerset Placemaking Plan Policy D8 and best practice guidance including Bats and Artificial Lighting in the UK (ILP, 2018).

Avoidance measures for nesting birds will be required during any habitat clearance and building demolition, as advised by the ecological consultants. An eradication strategy for Japanese knotweed will also be required. Detailed methodology can be secured by a condition for a Wildlife Protection and Enhancement Scheme.

All schemes should achieve measurable biodiversity net gain to meet the NPPF (paragraphs 174, 179, and 180), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for example Policies D5e and NE3) and emerging government policy. This is also supported by the recent appeal decision APP/F0114/W/19/3243930 for application 19/01596/FUL and Ecological Emergency declaration by Bath and North East Somerset Council. The ecology impact assessment confirms that the proposals will achieve measurable biodiversity net gain and this is welcomed. Submission of the Defra metric calculator would have been useful but was not essential in this case as it is clear that the extent of biodiverse habitats will be increased. The provision of at least 12 bird boxes and 4 bat boxes is supported. A detailed specification and location plan will need to be secured by condition (swift boxes would be particularly welcomed). The inclusion of green roofs in the design is strongly supported by the Council's ecologist. The western boundary planting and habitat creation will need to be carefully designed in consultation with an ecologist with native and beneficial species included throughout. Details of habitat management to benefit wildlife will need to be provided. This should include some longer grass margins during the flowering season from April to late-July/August. These matters can be secured as part of a Landscape and Ecological Management Plan condition.

Any Construction Management Plan will also need to be consistent with ecological recommendations and requirements e.g. pollution prevention measures.

It is considered that there is no ecological objection to the proposed development, and it will provide measurable biodiversity net gain. The proposals therefore accord with policies NE1, NE3, NE5 and D5(e).

10. TREES AND WOODLAND

An arboricultural Impact Assessment (Crown Tree Consultancy dated 1st September 2020) has been submitted in support of the application. This identifies seven trees and one tree group around the boundaries of the site of which 2No are categorised as grade B of moderate quality and the remainder are categorised as grade C of low quality.

The assessment states that all trees within the site are to be retained (paragraph 4.2.1) and that the overhanging foliage of a group of self-sown shrubs and young trees on the western boundary of the site (G2) would be trimmed back.

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

11. PARKS AND GREEN SPACE

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

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

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

The Parks and Open Spaces has calculated the total contribution amount required in line with the Green Space Strategy and based upon the potential occupancy of the proposed development to be £299,595 (capital cost and 10years maintenance). This would need to be secured by a s106 legal agreement and has been agreed by the applicant.

The scheme is therefore considered to comply with policy LCR6 of the Placemaking Plan and policy CP13 of the Core Strategy.

12. FLOOD RISK

The majority of the site falls within flood zone 2 with only a few areas falling within flood zone 1. The proposed co-living and co-working uses are classified as 'more vulnerable' and 'less vulnerable' respectively in the Flood risk vulnerability classification table within the NPPG. The proposed development therefore has to pass the sequential test, but in accordance with the flood risk vulnerability and flood zone compatibility table in the NPPG (table 3) there is no requirement to pass the exception test.

Sequential test

Paragraph 158 of the NPPF states that "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."

Evidence to support a sequential test has been submitted with the application. The area of search is the City of Bath which is considered to be acceptable and consistent with policy B1 of the Core Strategy. The submitted sequential test evidence has demonstrated that there are no appropriate or reasonable available alternative sites for the proposed development in a lower risk zone within the area of search. The sequential test is therefore passed.

Flood Risk Assessment

A detailed Flood Risk Assessment has been submitted with the application. This has been reviewed by the Environment Agency who have raised no objection to the proposals, subject to conditions. It is therefore considered that the proposals will be safe for their lifetime and will not increase the risk of flooding elsewhere.

13. DRAINAGE

The existing site is currently served by an existing surface water and foul sewer network which runs immediately to the north of the site within the Lower Bristol Road. A strategic public foul sewer is shown immediately to the north of the site, running in a westerly direction beneath Lower Bristol Road. While a smaller separate public foul sewer is shown immediately north-east of the site. This sewer appears to collect flows from the neighbouring properties, before conveying flows away to the east of the site.

The submitted drainage report identified that approximately half of the surface water runoff from the existing buildings and hardstanding areas discharges via a private combined sewer that runs along the eastern region of the site. This private sewer conveys flows to the north before discharging into the existing Wessex Water foul sewer network located beneath Lower Bristol Road. The remainder of the surface water runoff from the site is discharged directly to the onsite watercourse (Marl Brook).

A new foul water drainage network will be required to service the proposed development. The new network will collect and convey foul water discharge from the new building to a point of connection on the existing public foul sewer network. The proposed strategy aims

to improve the current drainage situation by ensuring that surface water and foul flows are drained independently. This is welcomed.

The drainage strategy proposes to discharge all surface water flows to the watercourse within the site at a restricted rate to provide a betterment over the existing pre-development brownfield flows.

The Drainage and Flood Risk team have reviewed the submitted strategy, whilst they have no objection in principle, they have requested some further details relating to discharge rates and downstream capacity of the watercourse. These details have been provided and it is expected that the Drainage and Flood Risk team will provide further comments which will be reported in the update report. These matters will also need to be secured by condition.

14. CONTAMINATED LAND

The site is identified as a site of potential concern in relation to contaminated land due to the history of potentially contaminative uses. A ground conditions assessment report has been submitted with the application and has been reviewed by the Council's Contaminated Land Officer.

The initial ground conditions survey report concludes the following:

"Based on the limited GI works undertaken to date, the contamination potential of the site is considered to be moderate. Further GI works and reporting will be required following demolition, including sampling and testing of soil and groundwater, and further gas monitoring. Limited remediation works are considered likely at this stage."

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

15. AIR QUALITY

The site falls within the Bath AQMA and an Air Quality Assessment has been submitted with the application. This has been reviewed by the Council's Environmental Monitoring Team who considers that the effects of the proposed construction and demolition are not significant and can be appropriately mitigated. Measures to mitigate the effects of the demolition and construction dust shown in the air quality assessment should therefore be included in any construction management plan.

The air quality report shows that the future residents of the site will not be likely to be exposed to pollutant concentrations above the Government's air quality objectives. Due to the low number of potential trips to the site the impact on nearby residents is negligible.

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

16. SUSTAINABLE CONSTRUCTION AND CLIMATE EMERGENCY

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. Policy SCR1 requires major developments to provide sufficient renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%.

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

The submitted Sustainable Construction Checklist indicates that the proposals will provide a 35% improvement in carbon emissions for the proposed residential co-living development

The checklist and energy strategy set out several measures that will help to achieve these reductions whilst also meeting the other aspects of sustainable design and construction listed in policy CP2. These include (non-exhaustive list) the following:

- o Solar PV renewable energy
- o Communal heating/hot water network
- o Air source heat pumps
- o Energy efficient heating/lighting/ventilation
- o Passive design measures including improved building fabric

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

As mentioned in the Highways section above, the proposals will also include ample cycle parking and a car club space which are all considered to contribute to addressing the climate emergency.

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

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

17. PUBLIC BENEFITS

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

Housing

The proposed development would create 155 co-living dwellings which would contribute towards meeting housing need within Bath as expressed through policies DW1 and B1 of the Core Strategy. This would be a reasonable contribution towards meeting the Council's overall housing target. However, this is tempered slightly by the fact that the Council can currently demonstrate a 5-year land supply and that any shortfall in housing supply over the plan period will be addressed through the Local Plan Partial Update.

The application also includes the provision of 31 affordable dwellings offered at a discount to the open market rent and a contribution towards the provision of affordable housing off-site (£49,000). The provision of this quantum of affordable housing (and off-site contribution) within a single brownfield development is given significant weight.

Economic benefits

The application proposals would bring about some economic benefits. It would generate a construction jobs for the duration of the build and provide opportunities for targeted recruitment and training (see planning obligations section below). It would also introduce an additional population of 155 people who will contribute towards the local economy through spending, etc. The provision of a new co-working area which will be accessible to the public is also an economic benefit. It would have a flexible layout and could be of interest to local small start-up businesses.

However, these economic benefits must also be seen in the context of the economic harm identified from the loss of the industrial floorspace resulting from the proposed development. The identified economic benefits of the scheme are small scale relative to the economic harm identified from the loss of industrial floorspace. These benefits are therefore only afforded limited weight.

Redevelopment of brownfield site and sustainable location

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

The site is also located in a broadly sustainable location with good proximity to the city centre and range of services and transport options. Whilst this weighs in favour of the application, it is a site specific, rather than proposal specific, public benefit.

Although, some areas have been identified where the design of the scheme could have been improved, the proposals would also introduce a building of an appropriate design which will result in some enhancement of the public realm and the streetscape.

Walking and cycling infrastructure

The application providers for highways works that for improved walking and cycling infrastructure in the surrounding area. Although primarily required to mitigate the impacts of the development, these would have the benefit of providing upgraded infrastructure which can also be utilised by non-residents.

Sustainability, climate change and biodiversity

The proposals would provide exceed the 35% reduction in carbon emissions target set out in policy CP2, would provide on-site renewable energy generation in line with the Placemaking Plan. It would also provide a funded car club space, an electric charging point and a travel plan (with travel vouchers provided to residents) which would be aimed at encouraging a modal shift to more sustainable forms of transportation other than the private car.

The proposals also provide landscape and ecological enhancements; significantly increasing the amount of greening on the site and providing biodiversity net gain through the provision of green roofs, bird boxes, re-naturalising of the watercourse and an appropriate landscaping scheme.

18. OTHER MATTERS

s106 Agreement

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

1. Highways Works
 - a. Provision of dropped kerbs and tactile paving between Caledonian Road and Dorset Street (western side of carriageway);
 - b. Provision of dropped kerbs and tactile paving at the Stuart Place junction on Caledonian Road;
 - c. Provision of tactile paving on Victoria Bridge Road at its junction with Lower Bristol Road;
 - d. Provision of tactile paving on Victoria Road at its junction with Brougham Hayes;
 - e. Provision of tactile paving on Livingstone Road at its junction with Brougham Hayes; and
 - f. Provision of tactile paving on Stanley Road West at its junction with Livingstone Road.
2. Parks and green space contribution £299,595
3. Targeted recruitment and training obligations and contribution £6,545

4. 20% affordable housing (Discount market rent at 80% the level of open market rent;)
5. Connection to district heat network (Future proofing)
6. Provision of a car club space and travel vouchers (£38,750)
7. Provision of a travel plan monitoring and audit fee (£5,335)
8. Parking monitoring for 5 years (£10,000)
9. Operational mechanisms (tenancy controls)

Public Sector Equality Duty

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

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

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

19. PLANNING BALANCE

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

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

Many of the matters in favour of the proposals align with aspects of the spatial strategy for Bath (as expressed in B1), for example by enabling the development of new homes in the Enterprise Zone (B1.3.a.), providing improvements to walking, cycling and public transport (B1.10.a) and preserving the historic environment and environmental quality (policies CP6 and B4).

However, the loss of the employment land represents a very significant conflict (in terms of nature and degree) with the strategic objectives and issues highlighted in the Core Strategy, including failing to maintain an appropriate supply of land in Bath for industrial processes to ensure the city retains a mixed economy (strategic objective 3), failing to achieve economic diversification and a better balance between the overall number of jobs in the city and resident workforce to reduce out commuting (B1.4), failing to allow

industrial enterprise to compete in the land market to sustain a mixed employment offer for a multi-skilled workforce (Bath, strategic issue 4) and failing to support jobs growth in the city (DW1. The proposal therefore not only conflicts with the detailed development management policy ED2B, but also runs counter to the strategic objectives of the development plan.

It is considered that the current proposals, due to the nature and degree of the identified conflicts, are contrary to the development plan as a whole and that material considerations do not indicate that permission should be granted.

20. CONCLUSION

The proposals would result in the loss of industrial floorspace for which there are strong economic reasons for it to be retained. Whilst the existing premises represents relatively low-quality stock, there is clearly very strong demand for industrial premises in Bath. The applicant's evidence that the site is not suitable or viable is based upon assumptions which are untested due to their failure to market the premises.

The proposals would therefore contribute towards the excessive loss of industrial premises in Bath which threatens the ability of the Council to meet the economic development objectives of the Core Strategy in terms of maintaining a mixed economy, reducing out commuting and jobs growth. The proposals are therefore contrary to policy ED2B of the Placemaking Plan and would be harmful to the economic development objectives of the policies DW1 and B1 of the Core Strategy.

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

The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 Loss of industrial floorspace

There are strong economic reasons why the loss of the existing industrial floorspace would be inappropriate. The proposed development would contribute towards an excessive loss of industrial premises and would be harmful to the economic development objectives for Bath. Evidence of unsuccessful marketing on reasonable terms for 12months has not been provided to demonstrate that there is not a strong economic reason for refusal. The proposal is therefore contrary to the development plan, in particular policies ED2B of the Placemaking Plan and policies DW1 and B1 of the Core Strategy.

PLANS LIST:

1 0531 SECTIONS D-D E-E F-F G-G

0530 SECTIONS A-A B-B C-C
0332 PROPOSED ELEVATIONS 03
0331 PROPOSED ELEVATIONS 02
0330 PROPOSED ELEVATIONS 01
032 PROPOSED BLOCK PLAN
0234 PLAN - ROOF
0233 PLAN - LEVEL 3
0232 PLAN - LEVEL 2
0231 PLAN - LEVEL 1
0230_B PLAN - LEVEL 0
0137 EXISTING ANCILLARY BUILDING SURVEY
0136 EXISTING BUILDING ELEVATIONS SECTIONS
0135 EXISTING MAIN BUILDING PLANS
0130 EXISTING SITE PLAN
0031 SITE LOCATION PLAN

DECISION MAKING STATEMENT

In determining this application, the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework. The Council has worked positively and proactively with the applicant to seek to resolve the issues identified. However, for the reasons given, and expanded upon in a related case officer's report, no agreeable solution could be found, and the application has been recommended for refusal.

2 Community Infrastructure Levy

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

Item No: 03
Application No: 20/02399/FUL
Site Location: 110 West Avenue Oldfield Park Bath Bath And North East Somerset
BA2 3QB



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Colin Blackburn Councillor June Player
Application Type: Full Application
Proposal: Development of 2 no. self contained flats on land adjacent to existing building.
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,
Applicant: Mr Richard Cross
Expiry Date: 27th August 2021
Case Officer: Emma Watts
To view the case click on the link [here](#).

REPORT

Reason for referring to committee

This application has been referred to Committee by Cllr Player. Cllr Craig has concluded that this application should be discussed at committee.

Site description and proposal

The application site currently forms the side garden to number 110 West Avenue, which is set within the residential area of Oldfield Park in Bath. The site is bound to the rear by the former Oldfield Park Methodist Church which now contains 6 residential units. The site is

outside of the City of Bath Conservation Area but within the wider World Heritage Site. 110 West Avenue is currently used as an HMO, occupied by 7 residents.

The application seeks planning permission for the erection of 2no. flats. A parking area will be formed to the front of the site which will provide onsite parking and associated turning facilities for 2 cars. Planning permission has previously been refused twice for the erection of a new house attached to the existing property. The reasons for refusal for the most recent application were as follows:

1 The proposed dwelling, due to its inappropriate siting, scale and design would result in a building that would appear out of keeping with the surrounding area and would appear as a cramped form of development. The proposal would therefore result in a detrimental impact upon the character and appearance of this part of West Avenue. The development is therefore contrary to Policies D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted 2007

2 The proposed development would, by reason of its inappropriate scale and siting in close proximity to neighbouring development, result in unsatisfactory living conditions for the future occupiers, due to the poor outlook and lack of privacy from the rear habitable rooms. Further the development would result in unsatisfactory outdoor amenity space for number 110 West Avenue, and a sense of overlooking for Flat 4, the Old Methodist Church. The development is therefore contrary to policy D2 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

Planning history

11/03645/FUL - RF - 25 November 2011 - Erection of new house attached to the existing property and off street parking for two cars (Resubmission)

12/02579/FUL - RF - 5 September 2012 - Erection of 2no. flats.

14/05784/FUL - RF - 29 June 2015 - Change of use of building from 6 bed house of multiple occupation (HMO) to 9 bed house of multiple occupation (Sui Generis) to include the erection of two storey side extension following demolition of single storey flat roof building.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - no objection subject to conditions

Cllr June Player - objects to the development and requests that this is heard at committee if recommended for approval. Objects for the following reasons:

- Inappropriate infill
- Impact upon local character and distinctiveness
- Loss of green space
- Ecological implications
- Lack of parking and loss of street parking
- Highway safety issues due to the location of the access
- Inaccurate parking/pedestrian surveys

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

- Unacceptable garden grabbing
- Overdevelopment of the site
- Impact upon the setting of the Methodist chapel
- Loss of amenity space and lack of amenity space for future occupiers
- Impact upon surrounding neighbouring occupiers including loss of light, outlook, privacy and noise and disturbance
- Highway safety issues
- Inappropriate design including orientation of development
- Impact upon setting of the church
- Ecological implications

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

Core Strategy:

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

DW1 District-wide spatial Strategy

B1 Bath Spatial strategy

B4: Impact of development on World Heritage site of Bath or its setting

CP6: Environmental Quality

CP2 - Sustainable Construction

CP5: Flood risk management

CP7 - Green Infrastructure

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:

D1: General Urban Design Principles
 D2: Local Character and Distinctiveness
 D.3: Urban Fabric
 D.4 Streets and Spaces
 D.5: Building Design
 D.6: Amenity
 HE1: Historic Environment
 ST7: Transport requirements for managing development
 LCR9: Increasing the Provision of Local Food Growing
 SCR5: Water Efficiency
 NE1 - Development and green infrastructure
 NE3 - Protected Species
 NE5 - Ecological networks
 NE6 - Trees and woodlands
 PCS1 - Pollution and nuisance
 ST1 - Sustainable Travel
 ST2 Sustainable Transport Routes
 ST2A Recreational Routes
 SCR5 - Water Efficiency
 PCS5 - Contamination
 PCS7A - Foul sewage infrastructure
 PCS6 Unstable land
 CP2 Sustainable Construction
 SCR2 Roof mounted building/integrated scale solar pv
 CP5 Flood Risk Management
 SU1 Sustainable Drainage Policy
 NE2 and NE2A - Landscape character and setting
 PCS2 Noise and vibration
 H7 Housing accessibility

The National Planning Policy Framework (NPPF) July 2020 is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Principle of development

The application site is within the built up area of Bath where the principle of new residential development can be supported subject to the compliance with the relevant policies of the Development Plan.

Character and appearance

The development would comprise 2 number self-contained flats which would be accommodated to the south of the existing dwelling. The existing area to the south of 110 West Avenue is an open underused garden area and is not an important feature of the immediate area that needs to be retained. Whilst the open space provides some views to the rear of the Former Chapel, views through to this building will still be evident when the development is in place.

The site is relatively limited in scale and constrained by the proximity of the neighbouring dwellings. The siting of the building has however been informed by and responds to the previous reasons for refusal in relation to the impact upon the character and appearance of the Conservation Area. The building is now set with a reasonable amount of space around it resulting in a more appropriate setting. The proposed block plan illustrates that the existing single storey extension of 110 West Avenue will be demolished as part of the proposal. The removal of the extension aids in achieving a more spacious arrangement between the built forms. This ensures that the development does not appear cramped or result in the overdevelopment of the site. An area of outdoor amenity space is retained for the existing dwelling and provided for the proposed ground floor flat.

The overall scale of the development is considered to be acceptable with the development being two storeys but set below that of the neighbouring 110 West Avenue. This ensures that the development achieves a degree of subservience to the surrounding buildings but reflects the prevailing character of the area which are fine grain traditionally scaled buildings.

The building is to be constructed with a double pitched, gabled roof covered with double roman tiles and walls faced with light brown lias stone with Bath stone dressings to the north and west elevations and similar stone dressings with light brown render to the east and south elevations. A

central gabled entrance bay on the north elevation is to project out 0.9m and a splayed bay window to the west elevation is to have a slated, flared, hipped roof. The development is considered to successfully take cues from the surrounding area including No. 57 Triangle North, with the gable elevation and splayed bay window.

The development includes the removal of a section of boundary wall and the construction of a new drop kerb. The remaining section of boundary wall is to be reduced in height and topped with an open railing to improve visibility for pedestrians and vehicle users entering and existing the site. The loss of this boundary wall is not considered to be harmful to the character of the area, and the retention of the lower parts of the wall will aid to mitigate the visual impacts of the parking located at the front of the site.

Overall, the scale, siting and design of the development is considered to be acceptable and preserves the visual amenities of the area and the wider World Heritage Site.

Residential amenity

The previous application was refused due to the impact upon the residential amenity of the occupiers of the adjacent Methodist Church. The design of the building has taken this

into account with the building now stepped away from the windows of this property. There roof has been dropped below and away from the habitable windows. It is also noted that the windows to the upper level of the converted Chapel are mostly obscurely glazed. Given the above factors, the impact of the development of those occupiers of the Methodist Church in terms of loss of light, overbearing impact and loss of privacy have been minimised.

However the re siting of the dwelling has bought the units closer to 109 West Avenue and 57 Triangle West. Principle windows are to be located on the north and west elevation, with windows serving the bathrooms and second bedrooms on the south elevation. The bathroom window to the upper floor of the south can be obscurely glazed and this can be secured via condition. The bedroom window would overlook the rear of the plot of 109, but this would not result in significant harm.

The building would be sited on the northern boundary of 109 across an access way. The building will be sited a sufficient distance away and due to the orientation of the building, will not result in an overbearing impact or a significant loss of light for these occupiers. There will therefore be no overlooking to the rear towards Triangle North. Whilst it is accepted that there will be some loss of light to 56 Triangle North, this would not be at a level that would result in significant harm to the amenity of these occupiers.

Overall, the proposed development will not result in any significant harm to the residential amenity of the surrounding neighbouring occupiers.

The existing occupiers of 110 and the future occupiers of the proposed development would have adequate amenity space and living conditions. There are therefore no objections on this basis.

A refuse and recycling store is located adjacent to the south boundary to serve both flats and is accessed via the front parking area.

Highway safety

The proposal includes a single car parking space for each of the dwellings (2no. spaces in total). The PMP standards would require the provision of two spaces per two-bedroom dwelling (4no. spaces in total). However the policy does allow for a discount for locations accessible by sustainable travel which must be justified through an accessibility assessment. This has been submitted by the applicant and the submission justifies a lower parking provision based on a moderate to high level of accessibility. It is noted that the proposed access would reduce space available for on-street parking. These spaces are unmarked and unrestricted.

The revised Proposed Site Plan shows a total of 4no. cycle parking spaces would be provided which meets the development plan standard. In addition, an Electric Vehicle charging point is now proposed and this is acceptable. The creation of a new vehicular access would need to be undertaken using the appropriate highways licence, although this can be arranged following the consent of any permission. Proposals will need to introduce a positive drainage measures to intercept any runoff from entering the highway. It is noted that there are no recorded injury accident records in the vicinity of the proposed access in the previous three years.

The revised Proposed Site Plan demonstrate that pedestrian visibility at the proposed access will be in excess of the minimum 2m x 2m required so that pedestrians and drivers can see each other when a car is departing the site.

Based on the above, the development does not result in any unacceptable highway safety issues.

Ecological implications

The site and part of the buildings to be demolished do not appear to support a high likelihood of use by protected species (e.g. use of the buildings by bats. The site forms an open residential garden primarily of grass and no hedgerows. This appears to be regularly maintained with a reduced risk of wildlife being present but concealed.

However, on sites of this nature, which is in and surrounded by residential gardens with habitats suitable for a range of wildlife, it's rarely possible to completely eliminate the risk of encountering wildlife and protected species such as bats, reptiles or nesting birds. Therefore, while a protected species survey and assessment is not considered to be justified in this case, it would still be appropriate to apply precautionary working methods, including timing of works for site preparation and vegetation removal to avoid disturbance to nesting birds and this will be secured by condition.

In accordance with NPPF and Local Plan Policies NE3 and D5e, all developments are expected to avoid net loss to biodiversity, and where possible to deliver biodiversity "net gain" and provide additional benefits for wildlife. Measures to benefit wildlife and to avoid harm should be incorporated into the scheme and this will be secured via condition.

Sustainable construction

Policy CP2 explains that sustainable design and construction will be integral to new development. The benchmark for demonstrating that energy efficiency has been "maximised" as required by CP2 is a 19% reduction in regulated emissions compared to that required by the Building Regulations. A Sustainable construction checklist has been submitted to demonstrate compliance with this policy, with the development securing a 29.25% reduction.

Other issues

Policy SCR5 of the Placemaking Plan requires development to make provision for rainwater harvesting such as water butts. This can be secured by condition.

Policy LCR9 seeks to provide opportunities for food growing within residential development. In this case small gardens have been provided within the development and these will provide the opportunities for the above requirements.

Conclusion

Third parties have raised a land ownership query due to part of the application site being within what was the red line boundary of the application for the change of use of the Methodist Church. The applicant has however forwarded a copy of the Land Registry Title which demonstrates that the application site is fully within their ownership. There were no conditions attached to the application for the change of use of the Methodist Church which placed any obligations on the land within the redline areas that covers the application site.

For the reasons outlined above, this application is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Resident's Welcome Packs (Pre-occupation)

Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, car share, car club information etc., together with complimentary bus tickets for each household to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and in accordance with policy ST1 of the Placemaking Plan.

3 Bound Compacted Access (Pre-occupation)

Before the dwellings hereby approved are first occupied, a properly bound and compacted access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy ST7 of the Placemaking Plan.

4 Parking (Compliance)

The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety and in accordance with policy ST7 of the Placemaking Plan.

5 Bicycle Storage (Pre-occupation)

No building or use hereby permitted shall be occupied or use commenced until storage for 2no. bicycles for each dwelling, have been constructed in accordance with the approved details and shall not thereafter be used other than for the parking of bicycles in connection with the development hereby permitted.

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

6 Electric Vehicle Charging Points (Pre-occupation)

No building or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

7 Visibility splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay shown on the approved plan has been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

8 Precautionary Working Methods for the protection of wildlife (Compliance)

Site preparation and clearance, demolition and construction works must proceed only in accordance with the following measures for the protection of bats and birds:

a careful visual check for signs of active bird nests and bats shall be made of tree shrub and hedgerow vegetation and of the interior and exterior of the buildings and their roofs, and any crevices and concealed spaces, prior to any works affecting these areas

active nests and nests under construction shall be protected undisturbed until the young have fledged

works to the roof and any areas with concealed spaces or crevices shall be carried out by hand, lifting materials (not sliding) to remove them, and checking beneath each one.

If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: to avoid harm to protected species (bats and nesting birds) in accordance with policies NE3 and NE5 of the Bath and North East Somerset Placemaking Plan (2017).

9 Wildlife Protection and Enhancement (Pre-occupation)

No occupation of the development hereby approved shall commence until:

(a) measures to provide bird nesting sites and provision of additional features to benefit wildlife, to include, for example, nesting opportunities for more than one bird species; bat boxes; hedgehog homes and access points; wildlife-friendly planting; have been installed on site

(b) a brief report confirming and demonstrating, using photographs where appropriate, completion of the measures in part (a) of this condition, has been submitted to and approved in writing by the Local Planning Authority.

All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat

Reason: to avoid a net loss to biodiversity, and to provide biodiversity gain in accordance with Policy D5e of the Bath and North East Somerset Placemaking Plan (2017).

10 Obscure Glazing Window(s) (Compliance)

The proposed bathroom window on the first floor south elevation shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

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

11 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

12 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

13 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

14 Sustainable Construction (Pre-occupation)

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

- Table 2.4 (Calculations);
- Building Regulations Part L post-completion documents

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

15 Hard and Soft Landscaping (Compliance)

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

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

16 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because it is necessary to understand

whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

17 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 22 Sep 2020 1805-07B PROPOSED SITE PLAN
22 Sep 2020 1805-08B PROPOSED ELEVATIONS
10 Jul 2020 1805-05 EXISTING SITE PLAN
10 Jul 2020 1805-06 EXISTING ELEVATIONS

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. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

3 Condition Categories

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

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

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

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

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

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

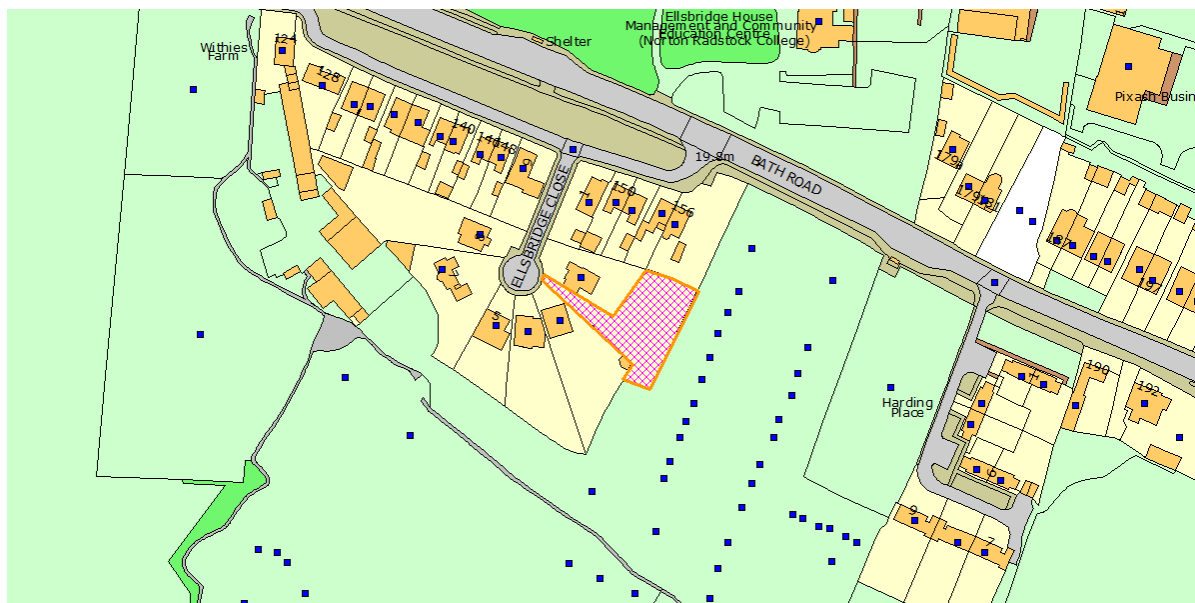
Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Permit/Consent Decision Making Statement

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

0 The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for any works in the highway. The development shall not be brought into use until the details of the access have been approved and constructed in accordance with the current specification see www.bathnes.gov.uk/services/streetsandhighway-maintenance/licences-and-permits/dropped-kerbs for details

Item No: 04
Application No: 21/01200/OUT
Site Location: 2 Ellsbridge Close Keynsham Bristol Bath And North East Somerset BS31 1TB



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Hal McFie Councillor Andy Wait
Application Type: Outline Application
Proposal: Outline application (with all matters reserved) for the erection of 1no. detached house with a private driveway and 2 parking spaces on land to rear of 2 Ellsbridge Close.
Constraints: Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant: M Smith
Expiry Date: 27th August 2021
Case Officer: Emma Watts
To view the case click on the link [here](#).

REPORT

The application site is the rear part of the garden of 2 Ellsbridge Close, which is located on the east side of Ellsbridge Close on the eastern side of Keynsham. The site is located within the Housing Development Boundary of Keynsham.

Outline planning permission is sought for the erection of one 3 bedroom house with a private driveway and 2 parking spaces. The application is submitted with all matters reserved.

The application originally proposed two detached dwellings. During the course of the application revised plans for a one dwelling scheme have been submitted in order to

address issues raised by Highways Officers regarding the ability to provide safe access to the proposed development.

Relevant Planning History

14/03745/FUL - Erection of a 2 storey side extension & new detached double garage following removal of existing attached single garage. Approved 9/10/2014

15/03401/FUL - Erection of new detached double garage following removal of existing attached single garage & associated works. Approved 6/10/2015

Land Parcel 7200, Bath Road (Hygge Development):

18/01307/RES - Reserved matters for consideration of layout, scale, appearance and landscaping for 250no. dwellings pursuant to permission 16/00850/OUT for residential and related development comprising approximately 250 dwellings, new Primary School with associated outdoor playing facilities, means of access thereto, associated open space, landscaping, access roads, footways/cycleways and infrastructure works. Approved 3/8/2018

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council

22 June 2021 - Comments on revised scheme:

Support - there are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017.

The granting of permission should be under the proviso that the development proposal including the construction process, materials used, and design should adhere to the B&NES Council's Sustainable Construction Planning Document checklist and all Environmental Policies.

Councillor Andy Wait

Application called in to Committee if Officers are minded to approve the application:

Once more, a resident who is lucky enough to have a big garden wishes to cash in and put a lot of it under concrete.

My main objections are on the new environmental grounds of carbon neutrality and loss of a natural habitat together with the more traditional over development, congestion and pollutions with 6 car parking spaces as well as some design concerns.

I would, therefore, like to call in this Application to the B&NES Planning Committee.

12 July 2021 - Comments on revised scheme:

Thank you for the update on this application. I have looked at it and would still like to call it in.

I recognise that this is an improvement on the original plan. However, all the points I made for the previous application remain valid. I would emphasise that planting trees on the boundary of the original property and also of the new property does not mitigate a carbon neutral development as these trees won't be able to develop into mature specimens as there just isn't the room on the site.

This is an example of over development as the new property is very close to the recent Hygge Estate.

Highways DC: no objection subject to conditions.

Arboriculture: no objection subject to conditions.

Wessex Water: note the comments made by nearby residents. The additional predicted foul flows from the proposed house will be minimal. Wessex Water has recently undertaken works in the area to help prevent sewer flooding. Wessex Water will not permit surface water connections into the foul sewer here.

Third party representations:

9No. objections have been received raising the following concerns:

- Overdevelopment;

- Impact on local character and appearance;

- Precedent and cumulative harm;

- Impact on neighbours' residential amenity: loss of light and overshadowing; loss of privacy; visual impact; noise and disruption from proposed access; exhaust pollution to the garden at No.3; noise and disruption during construction,;

- Highway safety;

- Housing need met elsewhere;

- Impact on the drainage and sewer system;

- Security;

- Impact on wildlife;

- Environmental impact.

5No. support comments have been received, the content of which is summarised below:

- Housing delivery on developed land within housing development boundary;

- Acceptable impact on residential amenity;

- In keeping with local character and appearance;

- Appropriate location near schools, services, and public and sustainable transport modes;

- Acceptable highways impact;

- Increased security.

1No. comment has been received raising concerns regarding the impact on the drainage/sewerage system.

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 Council's Development Plan now comprises:

- Core Strategy (2014)
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

DW1: District Wide Spatial Strategy
 CP2: Sustainable Construction
 CP5: Flood Risk Management
 CP6: Environmental Quality
 CP7: Green Infrastructure

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

D1: General Urban Design Principles
 D2: Local Character and Distinctiveness
 D3: Urban Fabric
 D4: Streets and Spaces
 D5: Building Design
 D6: Amenity
 D7: Infill and Backland development
 D10: Public Realm
 LCR9: Increasing the Provision of Local Food Growing
 NE3: Sites, Species and Habitats
 ST1: Promoting Sustainable Travel
 ST7: Transport Requirements for Managing Development
 SCR5: Water Efficiency

National Policy:

The National Planning Policy Framework updated July 2021
 National Planning Practice Guidance

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Principle of the Development

The site is located within the Housing Development Boundary of Keynsham. The principle of a new dwelling in this location is acceptable subject to compliance with other relevant policies in the Placemaking Plan, the Core Strategy and the NPPF.

It should be noted that the NPPF definition of 'Previously Developed Land' specifically excludes residential gardens within built up areas. This site should therefore not be regarded as PDL or a brownfield site for policy purposes.

Character and Appearance

Paragraph 71 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens such as "where development would cause harm to the local area". Placemaking Plan Policy D7 addresses backland development. Policy D7 allows for backland development only where: it would not be contrary to the character of the area; it would be well related to the frontage buildings in terms of height, scale, mass and form; there would be no adverse impact to the character and appearance, safety or amenity of the frontage development; and it would not be contrary to residential amenity as outlined in Policy D6.

Placemaking Plan Policy D1 requires new development to contribute positively to local distinctiveness. Policy D2 requires development proposals to respond positively to site context, in particular the local character including factors such as layout, streets and spaces, siting, spacing, set-back and building lines. Likewise Policy D2 requires development proposals to respond appropriately to urban morphology including block and plot patterns and to provide safe, functional and attractive streets and spaces. Placemaking Plan Policy D3 requires development proposals to contribute positively to the urban fabric. As part of this requirement, Policy D3 goes on to state that development should be designed to provide continuity of street frontage and for development to relate positively to the street. Policy D5 expects buildings to be designed so that building frontages face and relate to the public realm and define the street.

Ellsbridge Close is a small close characterised by large detached c.1930s dwellings set in generous plots arranged around a circular turning head. Whilst the dwellings have been extended to give a more varied appearance to the street scene, a strong character remains of imposing houses fronting the street with similar set-backs from the highway within large gardens. The building frontages face and relate positively to the public realm, defining the street.

The proposed development would create a single detached dwelling within the rear part of the garden to 2 Ellsbridge Close. There are no examples of similar backland development evident in the vicinity. The proposed development would fail to achieve a positive relationship with the street being set back a considerable distance via a long private access drive. The proposed backland development would erode the prevailing character of Ellsbridge Close, interrupting its plot pattern and failing to respect its distinctive layout, set-backs, building lines and street frontage.

In conclusion, the proposed development fails to respond appropriately to the site context and would be detrimental to the local character and appearance of the area. The proposal is contrary to Placemaking Plan Policies D1, D2, D4, D5 and D7 and the aims of the NPPF. The application is therefore recommended for refusal.

Impact on Residential Amenities

An indicative site plan has been submitted for one dwelling and two car parking spaces. This indicates that a scheme could come forward at reserved matters with sufficient distances from party boundaries to avoid an unacceptable impact on neighbours' amenities through visual impact, loss of light, overshadowing or loss of privacy (albeit conditions restricting side windows to be obscurely glazed might be required).

It is not considered that the exhaust fumes of vehicle movements associated with a single dwelling would result in an unacceptable impact for the occupiers of neighbouring properties.

The indicative proposed layout demonstrates that a future proposal at reserved matters could provide an acceptable level of external amenity space for the proposed occupiers. Notwithstanding the character and appearance assessment below, No.2 Ellsbridge Close would retain an acceptable level of useable outdoor amenity space under the proposal.

Highways Considerations

An indicative layout drawing and swept path analysis have been provided. These show two on-site car parking spaces, an access drive of acceptable width, sufficient space for turning vehicles on-site and accessibility for service and emergency vehicles. Based on this information officers are satisfied that acceptable access and parking provision could be achieved to serve one dwelling in accordance with PMP Policy ST7.

Conditions are recommended controlling provision of car parking and turning spaces and access prior to occupation and requiring surface water to be managed on-site using soakaways if permission is granted.

Impact on Trees and Landscaping

The revised proposal for a single dwelling is an improvement on the previous scheme, increasing the available external space for occupants and existing trees to coexist as well as increasing the available space for new tree planting.

An arboricultural report has been provided to address previous arboricultural comments. Overall, the proposal would comply with PMP Policy ST7. Conditions are recommended requiring the approval of an arboricultural method statement and tree protection plan prior to commencement; submission of a certificate confirming compliance with the arboricultural method statement; and approval and implementation of a hard and soft landscaping scheme.

Ecology and Sustainability

The site is part of a residential garden and is laid to amenity grass. It has not been considered reasonable or necessary to request an ecology survey and the risk to protected species resulting from the proposal is considered minimal.

A Sustainable Construction Checklist has been submitted demonstrating that the proposal would achieve a 19.1% reduction in regulated carbon emissions compared to that required by Building Regulations in accordance with Core Strategy Policy CP2. The application proposes to use solar PV panels, an air source heat pump and smart meters.

Placemaking Plan Policy SCR5 requires all new residential development to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This could be secured by a compliance condition if planning permission were granted. Policy SCR5 also requires the provision of rainwater harvesting or other methods of capturing rainwater for use by the residents of all residential development, such as water butts, where technically feasible. A condition could be imposed if outline planning permission were granted.

Placemaking Plan Policy LCR9 expects all residential development to incorporate opportunities for informal food growing wherever possible. A dwelling on this site would benefit from a garden which would provide future occupiers with food growing opportunities to meet this requirement.

Drainage and Flooding

Policy CP5 of the Core Strategy requires development to be designed to avoid increases in surface water flood risk and to utilise the most sustainable method of drainage.

Wessex Water consider that the additional predicted foul flows from the proposed one house would be minimal. One of the main causes of sewer flooding can be surface water connections into the foul sewer network from impermeable areas. The applicant has indicated that sustainable drainage systems would be used to dispose of surface water. Surface water connections into the foul sewer would not be permitted by Wessex Water. A condition is recommended requiring surface water to be managed on-site using soakaways if permission were granted.

Planning Balance and Conclusion

The proposed development offers some wider public benefit by providing an additional dwelling house; however, this is a limited benefit and one which has limited weight. The benefits generated by the development do not outweigh the resultant harm outlined above. The development is contrary to the development plan and the scheme's limited benefits do not justify supporting the scheme despite the conflict with the development plan. Accordingly, it is recommended that permission be refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed backland development would be contrary to the character of the area and fails to respond appropriately to the site context contrary to the Bath and North East Somerset Development Plan, in particular Placemaking Plan Policies D1, D2, D4, D5 and D7 and the aims of the National Planning Policy Framework.

PLANS LIST:

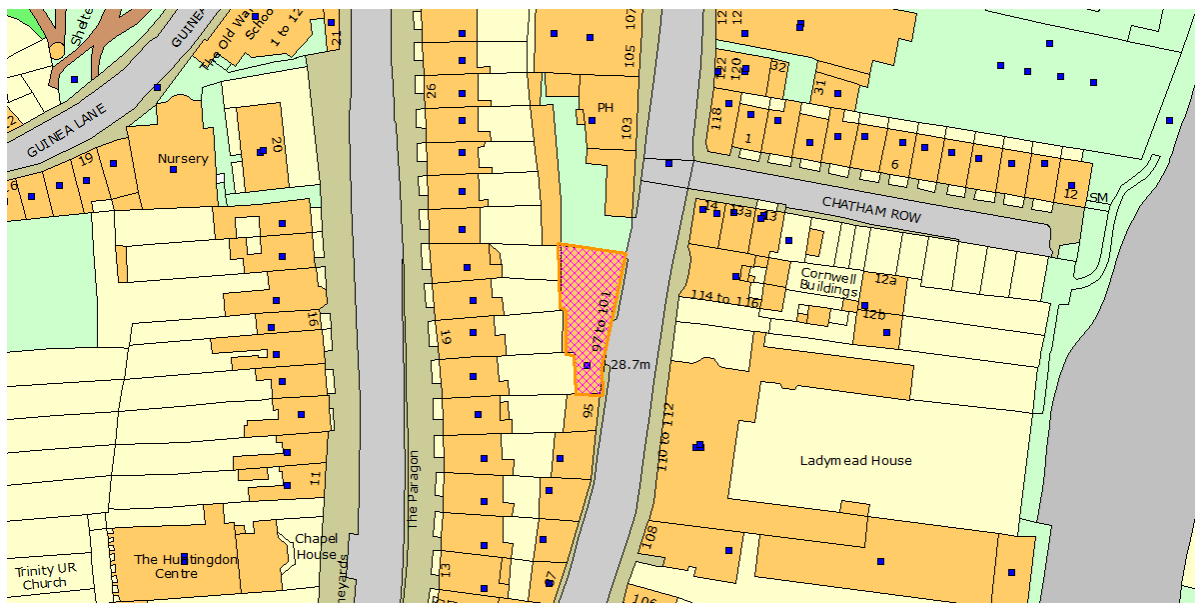
1 001 OS Site Location Plan, 100 Existing Site Plan & Strip Elevation, 200 Revision A Proposed Site Plan & Strip Elevation, 'Technical Note 1: Highways and Transport'

2 Community Infrastructure Levy

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

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

Item No: 05
Application No: 20/04949/FUL
Site Location: 97-101 Walcot Street City Centre Bath Bath And North East Somerset
BA1 5BW



Ward: Walcot **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Richard Samuel Councillor Tom Davies
Application Type: Full Application

Proposal: Conversion of existing warehouse to Use Class E, including installation of mezzanine floor and alterations to roof. Erection of attached building to create Use Class E on ground floor and Residential Use Class C3 on 1st and 2nd floors.

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

Applicant: Mr Paul Haskins
Expiry Date: 1st September 2021
Case Officer: Samantha Mason

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

REPORT

This application was called to committee by the two local ward councillors for the Walcot ward due to the level of local objection and consideration that residential development may result in conflict with the existing public house. The Chair of the committee recommended it be heard at committee, stating in her decision, 'I have read this application and reviewed all comments. As explained in the report, the officer has worked with the applicant to resolve some of the issues raised however, given the sensitive

location of this development, and the proposed change of use, I believe it should be debated at committee.' The vice chair also concurred that it should be heard at committee.

Details of location and proposal and Relevant History:

The site is located along Walcot Street, just outside of but adjacent to the defined city centre boundary. The site is however within the designated local centre for Walcot Street. The building is not listed but is surrounded by a variety of listed buildings. The site sits within the Bath Conservation Area and the World Heritage Site.

Planning permission is sought for the conversion of existing warehouse to Use Class E, including installation of mezzanine floor and alterations to roof. Erection of attached building to create Use Class E on ground floor and Residential Use Class C3 on 1st and 2nd floors.

Relevant Planning History:

DC - 98/00377/FUL - RF - 26 June 1998 - Use to provide tyre fitting and repair unit

DC - 98/00380/AR - RF - 26 June 1998 - Display of externally illuminated fascia sign

DC - 98/01079/FUL - PERMIT - 1 June 1999 - Change of use from car repair garage (sui generis) to use for sale, restoration and repair of antique pine and garden furniture (sui generis)

DC - 15/05841/FUL - PERMIT - 7 April 2016 - Refurbishment of the existing warehouse and construction of new building for non-food retail, light workshop, training and office use following demolition of single storey canopy.

DC - 16/03360/COND - DISCHG - 16 August 2016 - Discharge of conditions 2, 3 and 4 of application 15/05841/FUL (Refurbishment of the existing warehouse and construction of new building for non-food retail, light workshop, training and office use following demolition of single storey canopy)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

HIGHWAYS:

5th Jan 2021: No objection subject to conditions

ENVIRONMENTAL PROTECTION:

30th June 2021: No objection subject to conditions.

25th Jan 2021: Scope for revision, further details required regarding noise and odour.

CONSERVATION:

7th July 2021: No objection subject to conditions

2nd Feb 2021: Objection. Proposed development not appropriately contextual and fails to adequately reference character of existing built environment. Inappropriate use of materials. Height concerns. Harm to the character and appearance of the Bath CA and setting of adjacent heritage assets.

SOUTH WEST HERITAGE:

18th Feb 2021: No objection subject to conditions

Representations Received :

Cllr Richard Samules: Councillor request for application to be dealt with by development management committee. Reason for requesting application to be referred to committee (specifying the planning reasons):

As the two Ward Members for this application, we are submitting a joint request for this application to be dealt with by the Development Management Committee. As of today's date [30th January 2021] this application has attracted in excess of 300 comments on the B&NES Planning Portal and a review of these suggests that the the significant majority of these are objections. This significant public reaction to the application warrants the attention of the Development Management Committee's scrutiny. From a planning perspective, there are a number of aspects relating to this application which we believe require it to be considered by the Development Management Committee. Crucially, this includes the change in use to Category C3 for part of the proposed development. Residential accommodation in this location would be inappropriate given the location of the development close to The Bell public house - a leading venue in Bath famous for its live music events. The building of residential accommodation next to this venue will inevitably result in conflict going forward and should be avoided by ensuring that any development approved in this location is for an appropriate use.

Cllr Tom Davies: Councillor request for application to be dealt with by development management committee. Reason for requesting application to be referred to committee (specifying the planning reasons):

As the two Ward Members for this application, we are submitting a joint request for this application to be dealt with by the Development Management Committee. As of today's date [30th January 2021] this application has attracted in excess of 300 comments on the B&NES Planning Portal and a review of these suggests that the the significant majority of these are objections. This significant public reaction to the application warrants the attention of the Development Management Committee's scrutiny. From a planning perspective, there are a number of aspects relating to this application which we believe require it to be considered by the Development Management Committee. Crucially, this includes the change in use to Category C3 for part of the proposed development. Residential accommodation in this location would be inappropriate given the location of the development close to The Bell public house - a leading venue in Bath famous for its live music events. The building of residential accommodation next to this venue will

inevitably result in conflict going forward and should be avoided by ensuring that any development approved in this location is for an appropriate use.

399 objections and 24 comments have been received by third parties, the following is a summary of the points raised:

- Concern that the proposed residential development would impact on the existing Bell Pub because of the residential use in close proximity to a live music venue
- Would result in clouser of the pub
- Concern new residents would make noise complaints
- Impact on Bath's artisan cultural quarter
- Should stay as a commercial business premises
- Use class E should be restricted
- No parking for the residential units
- Congestion in clean air zone
- Safety issues for pedestrians
- Paragraph 182 of the NPPF should be applied (agent of change)
- Materials and design not in keeping with local character
- Social damage from residential units
- Economic damage caused by residential units
- No need for housing
- Contaminated land
- Likely archaeology on site
- Impact on climate emergency

Bath Preservation Trust:

(summary) Objection. Mid-19th century warehouse of traditional Bath vernacular which is a Non-Designated Heritage Asset (NDHA). Surrounded by listed buildings, in conservation area and world heritage site. the principle of development on this site is acceptable. However, we are unable to support this proposal which would risk harm to the character and appearance of the conservation area and heritage value of the context, by virtue of excessive height and a heavy and over-dominant roof profile.

Support comments:

- Will utilise an empty building
- The Bell will benefit from having additional occupants nearby that might use their vicinity
- Future residents will be aware of the pub, long history of its use
- The music venue should be insulated against noise
- Residential will provide local surveillance
- Materials add interest and contrast
- Will improve the site
- Current site an eyesore and dangerous
- Uses are compatible

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan

and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

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

Core Strategy:

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

B1: Bath Spatial Strategy
B4: The World Heritage Site and its Setting
CP2: Sustainable Construction
CP3: Renewable Energy
CP6: Environmental Quality
CP10: Housing Mix
CP12: Centres and Retailing
SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.5: Building design
D.6: Amenity
D7: Infill and backland development
ED1a: Office development
CR3: Primary shopping areas and primary shopping frontages
HE1: Historic environment
ST7: Transport requirements for managing development
SCR1: On-site renewable energy requirement
SCR5: Water efficiency
SU1: Sustainable drainage policy
LCR9: Increasing the provision of local food growing

PC55: Contamination

National Policy:

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

SPD's:

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

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.

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

The main issues to consider are:

- Principle of development
- Character and appearance
- Conservation area
- Residential amenity
- Highways matters
- Sustainable construction and climate change
- Any other matters

PRINCIPLE OF DEVELOPMENT:

The proposal is for a mixed-use redevelopment of a site located in Walcot Street.

Policy CP12 of the Placemaking Plan has regard to Centres and Retailing. It identifies Walcot Street, the location of the scheme, as a defined Local Centre. The policy states that 'Retail development, offices, leisure and entertainment uses, markets, community facilities, arts, culture and tourism uses will be primarily located within, or where appropriate, adjoining the centres in the identified hierarchy of centres'.

The existing warehouse will accommodate Class E floorspace over 3 storeys (understood to be used as offices), the new build development will accommodate a ground floor retail unit (understood to be used as a café). It is considered that these proposed uses are therefore compliant with Policy CP12.

CP12 goes on to say that 'centres will also be the focus for higher density forms of residential development provided the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking'.

The new build development will include residential accommodation above the retail unit over two floors. Walcot Street is located in close proximity to the city centre proper, and local facilities as well as being highly accessible by public transport. As such this element of the proposal also conforms with policy CP12.

Policy SB1 of volume 2 of the Placemaking Plan pertaining to Bath sets out the development requirements and design principles for Walcot Street. It states that development across the whole of the site is expected to provide a fine-grained mix of uses that will reflect the diverse and varied nature of Walcot Street, these are to include retails space, B1 workspace (now Class E) and a residential element. As such the proposal complies with the use related elements of this policy also.

Local policy recognises a need for housing development. Policy DW1 of the core Strategy states that the focus of new housing in the district will be Bath, Keynsham and the Somer Valley. Policy B1 of the Placemaking Plan seeks to enable delivery of around 7000 homes across the site, including from windfall sites. It states subject to compliance with all other policy considerations residential development will be acceptable in principle provided the proposal lies within the existing urban area of Bath as defined by the Green Belt boundary. The site proposes two new dwellings within the defined built-up area of Bath.

The proposal is considered acceptable in principle subject to other material considerations discussed below.

DESIGN AND HERITAGE:

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.

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

In addition to the above policies, policy SB1 states that any development in Walcot Street should 'Respond to the important views related to the site and to the general character of

the area. An analysis is therefore required to inform the height, massing and design of buildings.' A design and heritage statement has been submitted with the application.

The site comprises a warehouse building and vacant space to the south. The site is located in the Bath Conservation Area as well as being within the World Heritage Site. The property is not listed but is considered to be a non-designated heritage asset; adjacent is the Grade II listed public House known as The Bell. To the rear of the site are the listed terraces of the Paragon, and on the east of Walcot Street are a number of Grade II and II* properties.

The site is located along Walcot Street where there is a mix of grain and character. The west side of Walcot Street is located adjacent to the rear of the Paragon which is set at a higher level to Walcot Street. The buildings on the west side of Walcot Street are partially bordered by the retaining wall to the rear of the Paragon. The existing building is set between a two-storey property to the south with a mono pitched roof and The Bell to the north which is a three-storey property with a pitched roof and gable end.

It is noted that previous redevelopment of the site was approved by the Council in 2016.

The Conservation Officer was consulted on the scheme. Concern was raised by the Conservation Officer to various elements of the initial scheme including to the use of green glazed bricks in the materials, the roof detailing and the windows.

The scheme was amended as a result. The scheme proposed to retain and enhance the existing Abbey Furniture Building. New build will be accommodated within the vacant space within the plot. The new build will be set down in height from the existing warehouse. The overall proposal will have the appearance of three distinct facades due to the usage of materials which include Ashlar and rubble stone. Dormers have been removed from the scheme as they were considered incongruous in this context, and are noted as having been removed from the previous permitted scheme. The proposed roof form is now simplified.

The amended scheme better responds to the specific context that exists on the northern side of the street and to the neighbouring historic buildings, including scale, massing height, detailing and use of materials. The Conservation Officer now supports the scheme, considering it will preserve and enhance the locality, raising no objection subject to a condition relating to materials and the requirement for applicants to provide material samples including: stone, walling, mortar, limewash, roofing, fenestration, rainwater goods, external timber, external colour finishes.

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.' In this case the proposal is considered to preserve and enhance the non-designated heritage asset due to the amended scheme's design, scale, massing, position and appropriate use of external materials.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

Additionally, the proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

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. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the setting of the surrounding listed buildings and would preserve their significance. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

The proposed development is within the World Heritage Site, therefore consideration must be also given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

ARCHAEOLOGY:

The application site is within an area where there is evidence of Roman and medieval settlement and a Roman cemetery. It is likely that archaeological features relating to these periods will be impacted by this proposal. The archaeology is likely to be of local significance.

South West Heritage trust have been consulted on the scheme and have raised no objection. They advise that, in line with the NPPF paragraph 199, a condition should be attached to ensure any archaeology revealed by the development is properly recorded. Subject to this condition the application complies with Policy HE1 in respect of archaeological matters.

RESIDENTIAL AMENITY:

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

The proposal site, as mentioned above, is located within busy Walcot Street Area of Bath. residential and commercial units surround the site as well as The Bell pub.

The use of the Warehouse in office use is not considered to result in harm to the existing surrounding residents or the future residents or the new build accommodation given that office use is associated with day time working hours and limited noise impacts.

The proposed restaurant/café on the ground floor of the new build may require an extraction and odour filtration system depending on the food provision. It is understood an end user has not yet been secured and that as such the requirements cannot yet be known. The Environmental Protection Team are satisfied that this information can be provided as necessary by condition. Opening hours will be secured by condition to ensure that operational hours are known to future occupants, and can be controlled.

The proposed residential units are not considered to result in harm to surrounding neighbours as a result of overlooking, the main outlook from the building is onto Walcot Street, there are no windows looking towards the Paragon, there will be two rooflights on the flat of the roof of the site but these will not result in overlooking given the angle and location.

The majority of third party comments received have raised significant concerns over the proposed residential units proximity to the existing Public House because the Bell operates as a live music venue.

The proposed residential units are located in the south of the proposal site separated from the pub by the built form of the existing warehouse proposed to be offices. There is therefore approximately 11m of built form between the proposed units and the venue. It is noted that the existing residential unit along the Paragon are in similar or closer proximity to the Bell than this within their gardens abutting the pub site.

The Environmental Protection Team requested a noise report be submitted which has been provided during the course of the application. The report identified that a main source of noise would be the nearby public house and although the lockdowns have made assessing these activities problematic an assessment using best practicable means and projected levels were considered within the report. The report concludes that with suitable acoustic attenuation as recommended within the report the BS:8233 levels for internal noise can be achieved. The Environmental Protection Team are satisfied with the report and the mitigation, which will be conditioned.

The NPPF states at Paragraph 187 that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). It says that the applicant, or 'agent of change' should be required to provide suitable mitigation before a development is completed. It is considered that the acoustic attenuation will provide suitable mitigation prior to occupation. Furthermore, future purchasers/occupiers would be aware of the proximity of the well-known Bell.

Objectors raised concerns with the contents of the noise report, the officer and Environmental Protection Team are satisfied it meet with the required professional standards and the content, methodologies, and findings are acceptable.

Overall, the proposal is considered to be acceptable in terms of residential amenity in regards to surrounding and future occupants/ premises in line with policy D6 and PCS2 of the Placemaking Plan.

HIGHWAYS SAFETY AND PARKING:

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

The 'Accommodation Schedule' which forms part of the submitted 'Design and Heritage Statement' (DHS) is reproduced below:

Ground Floor

- o Class E Space - 151m² Gross Internal Area (GIA).

First Floor

- o Class E Space - 109m² GIA; and
- o Two-bed (three person) apartment - 67m² GIA.

Second Floor

- o Class E Space - 47m² GIA; and
- o Two-bed (three person) apartment - 63m² GIA.

The application site does not benefit from any existing off-street, car parking provision and the applicant does not propose to provide any. HDC officers have been consulted. It is noted that the application site is in the 'Bath City Centre Zone' within which the adopted parking standards for Class E and Class C3 are a maximum of one space per 400m²; and 0.5 spaces per dwelling respectively.

Based upon the adopted standards, the proposed development requires a maximum of two off-street car parking spaces. However, officers consider zero off-street, car parking provision is acceptable, given the central location of the site which benefits from excellent access to a range of services, facilities, walking & cycling routes and public transport links.

For information, future residents will not be entitled to residents parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016. This is due to the number of existing permits exceeding the supply of parking spaces within the Controlled Parking Zone. This, however, is at the developer's risk given the sustainable location of this development proposal.

Section 8 of the DHS considers 'Signage' and the illustration demonstrates that the minimum clearance between the underside of any signage which projects over the

adopted public highway and the footway below will be a minimum of 2.6-metres, which accords with the authority's guidance.

Chapter 9 of the DHS confirms that the proposed number of 11 secure, covered cycle parking spaces, including a single space for an E-bike, is policy compliant, and cycle parking will be secured through a Condition attached.

The same Chapter provides details of the 'Waste Management Strategy' including the provision of secure refuse storage to the rear of the ground floor which is easily accessible from Walcot Street and has capacity to accommodate two, 600-litre recycling bins and three, 360-litre general waste bins. Future occupiers will be responsible for presenting the bins on Walcot Street on collection day(s) so that the bins themselves do not impede on vehicle access or the visual amenity of the area. The frequency of collection will be weekly for both the residential and Class E units, whereas the time and date for the commercial units will be confirmed once a private commercial contract has been agreed (it is not envisaged that it would be any more frequent than one collection per week). In summary, the proposed waste management plan is acceptable.

Having reviewed the written statements and plans submitted in support of the application, Highway Development Control (HDC) officers raise no highway objection, subject to the Conditions.

The parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

CONTAMINATED LAND:

Given the proposed sensitive nature of the uses (residential and commercial accommodation) conditions will be attached to ensure the reporting of an unexpected contamination and appropriate mitigation as necessary.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For Medium or larger development on existing buildings a 10% reduction in CO₂ emissions is required by sustainable construction. In this case the submitted SCC shows that a 19.6% CO₂ emissions reduction has been achieved from energy efficiency and/or renewables. Therefore the proposed development is compliant with policy CP2 in this instance.

Objectors have raised concern the proposal will exacerbate the climate emergency. However, it is considered that the re-use of existing buildings and the use of windfall sites within the city is a sustainable form of development in regards to the climate emergency.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). These matters can be secured by a relevant planning condition.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Archaeology Watching Brief (Pre-commencement)

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

because archaeological remains and features may be damaged by the initial development works.

4 Sound Attenuation (Pre-occupation)

On completion of the development but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the dwellings hereby approved have been constructed to provide sound attenuation against external noise. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To safeguard the amenities of future occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

5 Hours of Use (Compliance)

The class E use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 7.30am-10pm Monday to Sunday.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

6 Café/ restaurant Use (Bespoke Trigger)

No part of the building shall be brought into use as a café/ restaurant (Class E(b)) until a detailed scheme for the ventilation and extraction of fumes/cooking smells has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti -vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be implemented as approved prior to the commencement of the use and thereafter maintained as such.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

7 Restricted Use (Compliance)

The first and second floors of the premises hereby approved shall be used only as offices (Class E(g)(i)) and for no other purpose (including any purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

8 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 11 bicycles has been provided in accordance with details which have been submitted to and

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

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

9 Residents Welcome Pack (Pre-occupation)

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

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

10 Construction Management Plan (Pre-commencement)

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

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

11 Sustainable Construction (Pre-Occupation)

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

- o Table 2.4 (Calculations);
- o Building Regulations Part L post-completion documents

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

12 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

13 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

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 This decision relates to the following plans:

23 Dec 2020 001 P2 Site Location Plan
23 Dec 2020 012 P2 Proposed North Side Elevation and Section
23 Dec 2020 014 P2 Proposed Mezzanine Section
21 May 2021 007 P3 Proposed Ground Floor Plan
21 May 2021 007 P3 Proposed Second Floor Plan
21 May 2021 008 P3 Proposed First Floor Plan
21 May 2021 013 P3 Proposed Site Section
21 May 2021 015 P3 Visualisations
11 Jun 2021 010 P4 Proposed Roof Plan
11 Jun 2021 011 P5 East Front Proposed Elevation

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development.

The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

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

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

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

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

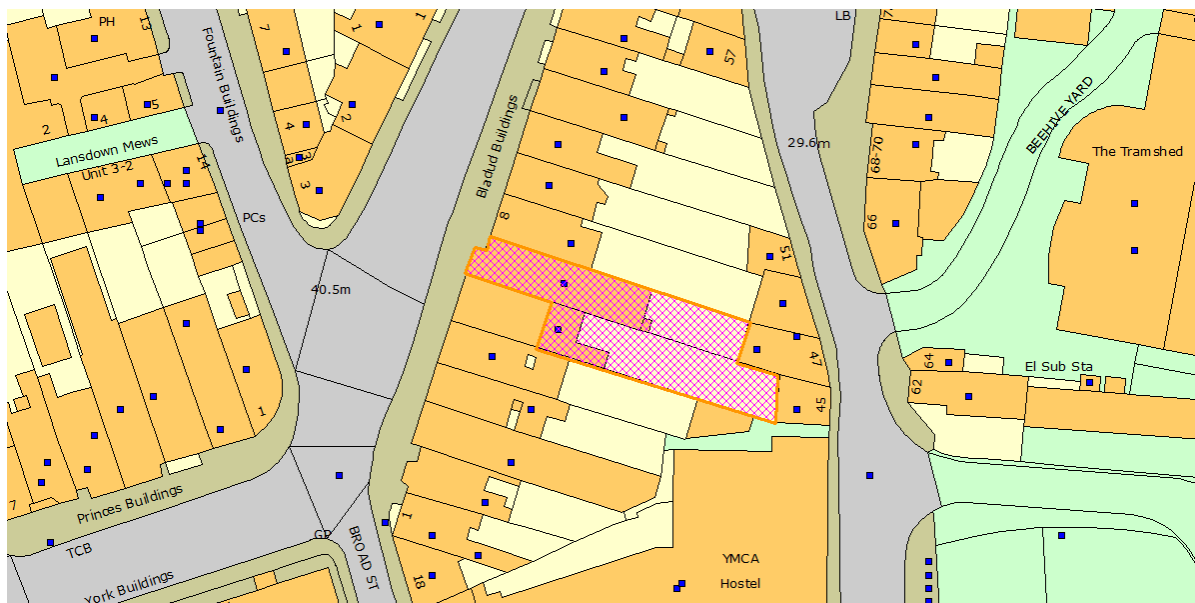
4 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

5 Responding to Climate Change (Informative):

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

Item No: 06
Application No: 21/02476/VAR
Site Location: The Nest 7 Bladud Buildings City Centre Bath Bath And North East Somerset



Ward: Walcot **Parish:** N/A **LB Grade:** II

Ward Members: Councillor Richard Samuel Councillor Tom Davies

Application Type: Application for Variation of Condition

Proposal: Variation of condition 5 of application 18/04797/FUL (Conversion of existing nightclub to a public house to include ventilation and extract equipment, detached bar kiosk, covered seating area and terrace seating area to rear)

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: The City Pub Group PLC

Expiry Date: 27th August 2021

Case Officer: Helen Ellison

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

REPORT

SITE DESCRIPTION

No. 7 Bladud Buildings is a Grade II listed building located within Bath conservation area and the City of Bath World Heritage Site. No. 7 sits within a terrace of fifteen houses attached to the Paragon and dates from 1762 with C19 and C20 alterations that include a large modern single storey flat roof extension to the rear. Beyond the extension is a paved

area set over various levels with stepped access leading down to Walcot Street. To the front of the premises is a projecting altered mid C19 shopfront. Materials comprise Limestone ashlar with double pitched slate mansard roof. The plan is double depth and each house is arranged over three storeys with attics and basements. The front and rear elevations are similarly composed and ornamented, when built they had largely unimpeded view over riverside meadows. The application site comprises of bar and nightclub split over ground and lower ground levels. First floor and above is in residential use. The area comprises a mix of uses including residential, retail and restaurant/cafe.

PROPOSAL

Planning consent is sought for variation of condition 5 of application 18/04797/FUL (Conversion of existing nightclub to a public house to include ventilation and extract equipment, detached bar kiosk, covered seating area and terrace seating area to rear).

Councillors Davies and Samuel requested that this application be dealt with by the Development Management Committee for the following reasons;

Having visited the site, consulted with residents and reviewed the comments raised on the Planning Portal, Cllrs Davies and Samuel are concerned that the proposed variation to the condition would significantly weaken the safeguards contained within the original Condition 5 of planning permission ref: 18/04797/FUL.

As noted in the original application, the full Condition 5 was put in place by the Council to "to safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and to enable the Local Planning Authority to review the impact of the development."

The proposed variation removes a key safeguard within the original Condition 5 - specifically that "the use of this outside area shall cease 12 months from the date the approved use commences, unless a further permission is granted" - and its proposed removal is of significant concern to local residents and ourselves.

PLANNING HISTORY

DC - 00/01480/LBA - CON - 7 September 2000 - Internal alterations

DC - 08/01011/LICPL - NOOBJ - 10 April 2008 - Application for variation of premises licence.

DC - 13/03716/FUL - PERMIT - 26 November 2013 - Use of pavement for the siting of tables and chairs at 6/7 Bladud Buildings.

DC - 14/05512/FUL - WD - 11 March 2015 - Conversion of flat roof to rear of building into a roof garden.

DC - 14/05513/LBA - WD - 11 March 2015 - External alterations for conversion of flat roof at rear of building into a roof garden.

DC - 15/03950/FUL - PERMIT - 29 February 2016 - Erection of two storey rear extension and loggia

following demolition of modern outbuildings.

DC - 15/03951/LBA - CON - 29 February 2016 - Internal and external alterations to include the demolition of modern outbuildings and construction of new two storey rear extension and loggia.

DC - 18/04797/FUL - PERMIT - 21 March 2019 - Conversion of existing nightclub to a public house to include ventilation and extract equipment, detached bar kiosk, covered seating area and terrace seating area to rear.

DC - 18/04798/LBA - CON - 21 March 2019 - Internal and external alterations for the conversion of existing nightclub to a public house to include ventilation and extract equipment, detached bar kiosk, covered seating area and terrace seating area to rear.

DC - 21/02476/VAR - PCO - - Variation of condition 5 of application 18/04797/FUL (Conversion of existing nightclub to a public house to include ventilation and extract equipment, detached bar kiosk, covered seating area and terrace seating area to rear)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SUMMARY OF PUBLICITY/CONSULTATIONS/REPRESENTATIONS

PUBLICITY

Site notice displayed and photographic evidence received.

CONSULTATIONS

Environmental Protection: No objection

REPRESENTATIONS

4 representations of objection received, including 1 from Abbey Residents Association (TARA), in summary;

- Retain condition in full/as approved; gives local business/residents surety and enables them to adequately review the implications the new usage of the rear garden has on us as a local business.

- Notes that the applicant is concerned about the feasibility of the investment of the rear garden, however if not detrimental impact on the local amenity is caused, then there should be no concern to keep condition.

- This is a highly noise sensitive location, particularly at night, and the introduction of an open, or partially open, drinking area at the rear of 7 Bladud Buildings is likely to have a severely adverse impact on the amenity of local residents contrary to Policy D6 of the PMP.

- In considering application 21/04797/FUL the Council was right to impose Condition 5. The effect of Condition 5 with its reference to re-application after twelve months omitted as requested by the applicant, is that the alternative available to the LPA, should the applicant fail to comply with the time limits specified, would be enforcement action, a time-consuming and sometimes complex process which could subject local residents to a prolonged period of noise and disturbance at night.

- The applicant has it in his power to ensure continued use of the rear of the property by complying fully with the requirements of Condition 5 while making a timely application for a further consent.

- TARA asks that Condition 5 be retained as it stands and that the above referenced application be refused.

- There have been numerous anti-social problems over the years associated with the previous incarnations of 7 Bladud Buildings, so it is with experience that resident can speak about the noise impact from the front and particularly the rear of the building.

- Whilst Covid 19 has forced some hospitality businesses outside it cannot be to the detriment of neighbour. Consider that professionally run pub chain such as The City Pub Group will understand there needs to be a respectful understanding of this going forward.
- The only condition which offers some safeguard as residents is condition 5; that is, license granted for one year, to be reviewed on application.
- Went through long and painful initial planning application in 2019. Of the objections to initial planning application, the only one which carried any weight with the Council is noise disturbance. Despite request for an earlier time limit in line with other similar businesses in Bath, the license for outdoor use was granted until 11pm (12pm Fri/Sat). Therefore, the only safeguard residents have against noise disturbance is the condition of annual renewal of this license.
- There are many residents living in close proximity to venue who have the right to the quiet enjoyment of their property. Urge Council to please take objection seriously; Bath residents and as such, only have the Council to protect residents rights.

POLICIES/LEGISLATION

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

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.

The Development Plan for Bath and North East Somerset comprises:

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

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

CP12 Centres & Retailing

B1 Bath Spatial Strategy

B4 The World Heritage Site and its Setting

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:

D2 Local Character and Distinctiveness

D5 Building Design

D6 Amenity

D8 Lighting

HE1 Historic Environment

PCS2 Noise and Vibration

Guidance:

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

BaNES Draft City Centre Character Appraisal Bath (2015)

National Policy:

The National Planning Policy Framework (July 2021) and National Planning Practice Guidance.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

INTRODUCTION

This application is made under S.73 of the Town and Country Planning Act 1990 and seeks to vary condition 5 of planning application 18/04797/FUL (Conversion of existing nightclub to a public house to include ventilation and extract equipment, detached bar kiosk, covered seating area and terrace seating area to rear).

S.73 of the Town & Country Planning Act (1990) states that; 'on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted'. A wider reassessment of the scheme as a whole is therefore unnecessary and beyond the scope of this application. The only matters that may be considered in respect of the current application therefore are those planning issues raised by the proposed variations and any other issues raised by amending the remaining conditions.

The variation of condition sought is set out below.

VARIATION OF CONDITION 5

Condition 5 is a compliance condition and requires that the external area to the rear of the premises shall be closed to the public and cleared by 23.00hrs from Sunday to Thursday and Bank Holidays and by 00.00hrs on Fridays and Saturdays and the use of this outside area shall cease 12 months from the date the approved use commences, unless a further permission is granted. The reason for the condition is to safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and to enable the Local Planning Authority to review the impact of the development.

In respect of the proposed variation, the sole issue for consideration is neighbour amenity.

RESIDENTIAL AMENITY ASSESSMENT

The application site is located in close proximity to the city centre where there is a mix of residential and commercial properties and an established night-time economy.

Concerns have been raised by representation, as set out above, and mainly concern noise and disturbance that would be generated from use of the rear garden area. Also, loss of opportunity for use of the outside area to be subject to review after 12 months.

The Councils Environmental Health Officer raises no objection to the proposed variation and comments as follows;

- The applicant wishes to amend wording in a condition to reflect the ability to trade without additional hinderance as the premises will be subject to a Licence under the licensing Act and conditions have already been imposed to adequately safeguard the local residents this application is not therefore unreasonable.
- The application seeks to amend the condition wording of application 18/04797/FUL to permit the use of the outside area without the hinderance of a 12-month assessment period to ensure no impact on this permitted use to residents.
- The premises has been granted a premises licence under the licensing Act 2003 (21/01022/LAPRE) in which the premises is conditioned with the following:
Noise from regulated entertainment shall not emanate from the premises so as to cause a nuisance at the nearest noise sensitive premises. This document is available on the public register.
- Furthermore, the applicant is content that the outside area is not to be used outside of the times in the original condition and that all aspects apart from the 12-month time limit remains as granted.
- If complaints are received in respect of improper use of the area not in accordance with the Condition 5 (as amended) this can be enforced, equally if complaints are made in respect of the premises licence conditions again these can be enforced.

Based on these reasons Environmental Protection raise no objection to the proposal.

The applicant sets out the reasoning behind the proposed variation of condition as follows;

- The 12-month limit on the use of the garden is impractical and makes any attempt to open the premises as a public house along the lines of the extant consent unviable, it creates considerable uncertainty in the context of the approved development. The applicant is investing a significant financial sum to bring the listed building back into viable commercial use and the ability to use the outside space is an essential part of the approved use being successful.

- The nature of the site means the outdoor area at the rear of the building is essential for trading, the interior of the premises is small and not sufficient on its own to sustain a public house business. It is therefore essential that any investment made into the site - especially the external area - is made with the comfort that it is not time-limited to a year, from an operational and viability standpoint City Pubs need certainty that the garden can continue to be used.

- The impact of the Covid-19 crisis has brought to the forefront the importance of outdoor space to restaurants and pubs, indeed a good quality outside area has been essential for many businesses to generate income.

- The government is attempting to assist the service and hospitality industry with new regulations and guidance as to how outdoor spaces can function and thrive.

- Against this context it is absolutely essential that City Pubs have the comfort and guarantee that the garden area can continue to be used by patrons of the public house before investing the necessary financial sum to repair and restore the building including the outdoor area in line with the extant consent.

- It is also necessary to emphasise how Condition 5 sets out how the use of the garden is time-limited to certain hours of use and that the applicant is not proposing alterations in this regard.

- Furthermore, the licence will cover how it is used.

- There is already a separate Condition 4 which prohibits any amplified music or other entertainment in the garden. This gives the council ample control over noise and general amenity matters, and comfort that there are already a number of mechanisms and safeguards in place to ensure nearby amenity is not adversely impacted.

- At the same time, the purpose of this application is because City Pubs need certainty in the investment being made into the premises to ensure it will be viable longer term beyond the current 12 month restriction.

- It is therefore proposed to omit this sentence contained within condition 5, and the suggested wording is provided below;

The external area to the rear of the premises hereby permitted shall be closed to the public and cleared by 23.00hrs from Sunday to Thursday and Bank Holidays and by 00.00hrs on Fridays and Saturdays.

The following sentence is proposed to be omitted from Condition 5: 'and the use of this outside area shall cease 12 months from the date the approved use commences, unless a further permission is granted.'

To summarise, account is taken of the following factors; submitted representations, recommendation of the Council's Environmental Protection Officer, city centre location of the site where there is a mix of residential and commercial uses (including restaurants and cafes - the nearest of which 'Mantra' at 5 Bladud Buildings has an external seating area), and, an established night time economy, and the requirement, for any use of the site as a public house, to have a premises licence in order to operate. In addition, were complaints received, in respect of improper use of the area not being in accordance with the Condition 5 (as amended), then this can be enforced. Equally, if complaints are made in respect of the premises licence conditions again these can be enforced.

Accordingly, and on balance, the proposed variation, is not expected to result in significant harm to the amenities of any occupiers or adjacent occupiers. Hours of operation remain under the amended wording of condition 5 and noise is also controlled under condition 4, whereby all doors and windows are to remain closed except for access and egress from 23.00hrs and music or other entertainment in the outside area is not allowed at any time. There are sufficient mechanisms in place to deal improper use of the area. As such the amenities of nearby occupiers would be safeguarded in accordance with Policy D6 of the Placemaking Plan.

VARIATION OF CONDITION 5 SUMMARY

Taking account of the key issue as it relates to Condition 5 and as set out above it is recommended that Condition 5 be varied as proposed;

The external area to the rear of the premises hereby permitted shall be closed to the public and cleared by 23.00hrs from Sunday to Thursday and Bank Holidays and by 00.00hrs on Fridays and Saturdays.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and to enable the Local Planning Authority to review the impact of the development.

CONCLUSION

The proposed variation of Condition 5 associated with planning permission 18/04797/FUL is considered acceptable in terms of impact on neighbour amenity.

Approval subject to conditions is, therefore, recommended. Condition 5 is amended accordingly. The conditions imposed on the earlier permission, 18/04797/FUL, continue to have effect, and are, therefore, restated. As a S.73 application cannot be used to vary the time limit for implementation the time limit is 3 years from the date of the original permission.

RECOMMENDATION

APPROVE

CONDITIONS

1 Time Limit (Compliance)

The development hereby approved shall be begun before the expiration of three years from 21st March 2019.

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

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction at the rear of the site shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, and terrace areas, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: To safeguard the character and appearance of the Conservation Area and the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

3 Noise from Ventilation and Extraction (Pre-commencement of use)

The use hereby permitted shall not commence until a noise assessment has been undertaken by a competent person in relation to the installation of the extraction system unit to the rear of the property in accordance with BS4142:2014. The assessment shall determine the rating level of noise arising from unit installed as part of the development, at the boundary of the nearest noise sensitive premises and identify the mitigation measures necessary to avoid complaints of noise nuisance. Noise levels shall be designed to be 5db below measured background noise levels at the rear of the property.

Reason: In the interests controlling odours and protecting residential amenity in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

4 Noise from activities (Compliance)

The applicant shall ensure that all doors and windows remain closed except for access and egress from 23.00hrs. There shall be no amplified music or other entertainment in the outside area at any time.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

5 Time limited timings - use of external area (Compliance)

The external area to the rear of the premises hereby permitted shall be closed to the public and cleared by 23.00hrs from Sunday to Thursday and Bank Holidays and by 00.00hrs on Fridays and Saturdays.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and to enable the Local Planning Authority to review the impact of the development.

6 Storage of refuse and waste materials (Compliance)

Prior to the occupation of approved buildings, suitable and sufficient waste storage facilities shall be provided for the safe and secure on-site storage of waste derived from the business to ensure that no detriment to amenity from smell, flies or vermin arises

Reason: In the interests controlling odours and protecting residential amenity in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

7 Use of Refuse and Recycling facilities (Compliance)

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

8 Construction Management (Compliance)

- No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.
- The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.
- The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings

Reason: To protect the amenities of the occupants of adjacent residential properties in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and in accordance with the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities.

9 Hard and Soft Landscaping (Pre-occupation)

The external area to the rear of the premises shall not be brought into use until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of a planting specification to include numbers, size, species and positions of all new shrubs, details of existing and any proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan

10 Hard and Soft Landscaping (Compliance)

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

the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan.

11 Emergency escape gate - Submission of details (Bespoke Trigger)

No works to the rear of the building shall commence until full details of a gate (to include plan, elevation, materials and colour/finish) leading to the emergency fire escape route to Walcot Street as shown on the drawing number 857.4 Rev B have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details and gate installed prior to the rear garden area being brought into use.

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

12 Emergency Escape Only (Compliance)

The emergency means of escape shown on the drawing number 857.4 Rev B shall be used solely as an emergency means of escape and for no other purpose.

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

13 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights; details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby residential properties. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 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 This decision relates to the following drawings;

Date: 26.10.2018 Drwg. No. 857.2 Drwg. title: Existing drawings

Date: 26.10.2018 Drwg. No. 857.3 Drwg. title: Proposed lower ground floor plans
Date: 26.10.2018 Drwg. No. 857.7 Drwg. title: Window joinery details
Date: 20.03.2019 Drwg. No. 857.1 C Drwg. title: Location & site plans
Date: 19.12.2018 Drwg. No. 857.9 Drwg. title: Proposed roof plan
Date: 30.01.2019 Drwg. No. 857.4 Rev B Drwg. title: Proposed garden & roof plans
Date: 27.02.2019 Drwg. No. 857.6 Rev E Drwg. title: Proposed elevations & section AA
Date: 28.02.2019 Drwg. No. 857.5 Rev E Drwg. title: Proposed elevations
Date: 01.03.2019 Drwg. No. 857.8 Rev A Drwg. title: Amended proposed garden details section CC
Date: 01.03.2019 Drwg. No. 857.10 Rev A Drwg. title: Amended acoustic screen

2 Advisories

Environmental Protection Act 1990

Under the environmental protection act 1990, the local authority has a duty to investigate complaints of nuisance and should a complaint be received, irrespective of planning consent, the local authority may on determination of a statutory nuisance serve a legal notice requiring any said nuisance to be abated and failure to comply may result in prosecution. Further advice may be sought from the local authority's environmental protection team on this matter where necessary.

Food premises

As the current premises is classed as a wet sales only establishment, a revised registration form will need to be submitted with the food safety team at Bath and North East Somerset Council at least 28 days prior to operation.

Further information can be found here:
[HTTP://WWW.BATHNES.GOV.UK/SERVICES/ENVIRONMENT/FOOD-SAFETY/ADVICE-NEW-BUSINESSES](http://www.bathnes.gov.uk/services/environment/food-safety/advice-new-businesses)

3 Condition Categories

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

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

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

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

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

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

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

4 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.

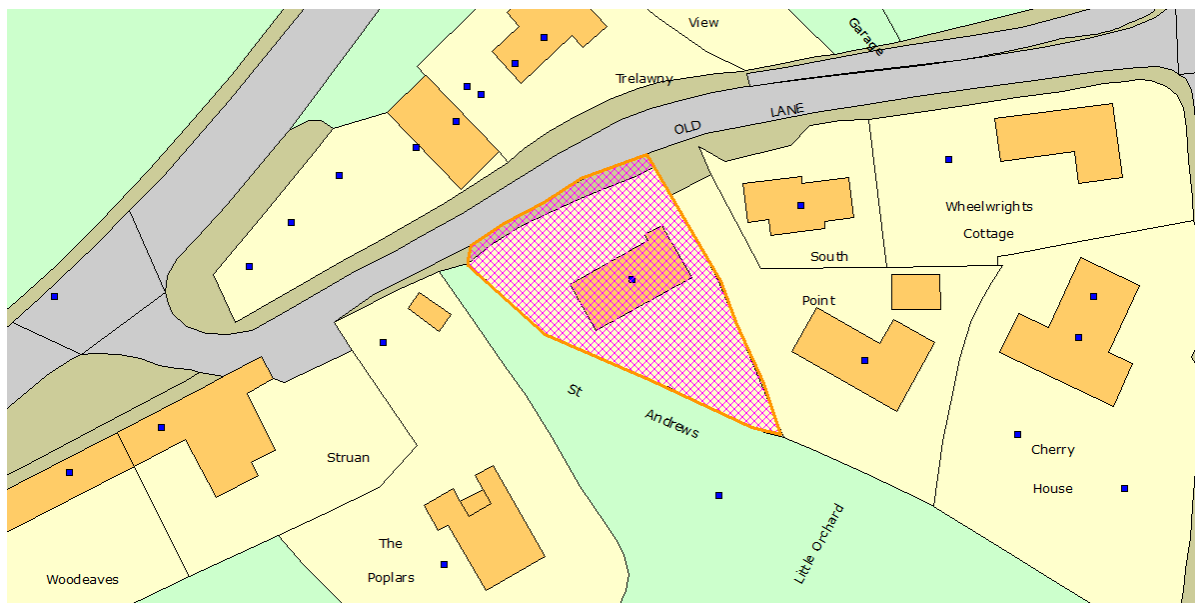
5 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

6 Responding to Climate Change (Informative):

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

Item No: 07
Application No: 21/02584/FUL
Site Location: St Andrews Old Lane Farmborough Bath Bath And North East Somerset



Ward: Clutton And Farmborough **Parish:** Farmborough **LB Grade:** N/A
Ward Members: Councillor Sally Davis
Application Type: Full Application
Proposal: Erection of ground floor extension, addition of new first floor and associated garage, including storage for refuse, recycling and bicycles.
Constraints: Clutton Airfield, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant: Mr & Ms Craig & Danielle Smith & Sewell
Expiry Date: 23rd July 2021
Case Officer: Chloe Buckingham
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Farmborough Parish Council have objected to this application and the chair of committee has decided to take the application to committee for the following reason:

Whilst many of the issues raised by the PC have been resolved by the officer and applicant during the course of the application process, this remains a controversial addition to the local street scene. This being so, I believe that it would be benefit from public debate by the planning committee.

DESCRIPTION OF SITE AND APPLICATION:

This application relates to a detached dwelling located in Farmborough.

The application seeks planning permission for the erection of a ground floor extension, addition of new first floor and associated garage, including storage for refuse, recycling and bicycles.

Relevant Planning History:

There is no relevant planning history for this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Farmborough Parish Council: At the meeting of Farmborough Parish Council held last night the Council voted to OBJECT to the application with the following comments:

This application is the wrong design for this location for the following reasons:

- o Footprint- the footprint of the proposed development is significantly larger than the existing property, bringing the boundary of the property adjacent to both Old Lane and the access road to Brook View. This is not in keeping with the character of the surrounding buildings on Old Lane, where the houses are set back from the road, allowing welcome space set against the new housing on the A39 which back onto Old Lane.

- o Massing- the height of the proposed building is greater than the existing property, taking a single storey building that sits low on the hill to one that will dominate the corner of Old Lane and the access road to Brook View. This is also not in keeping with the character of the surrounding buildings on Old Lane.

It should be noted that the BathNES Urban Design Officer's response to the Brook View development (14/02426/FUL) did not consider any issues with overlooking or obscured views of adjacent properties when supporting that application, so raising the height of the building to 'afford a view' should not be necessary.

It is unclear as to whether the existing single-storey structure will be able to support an additional floor.

- o Materials

These are, again, not in keeping with the character of Old Lane.

From the DESIGN & ACCESS STATEMENT for Brook View application 14/02426/FUL (April/May 2014), "Affordable Housing Provision - Flats designed with curved natural stone walls and natural slate to mark the entrance to the site and to link the site architecturally with the existing buildings in Bath Road/Old Lane." This is in contradiction to what the architect now wants to do on this site.

From the Presentation Feedback Report, Land at The Poplars, Farmborough

3.1 What do you think is most important about the proposals? Some responses place importance on the design and environmental impact of the development and that the design should be of high quality, stressing the use of local materials particularly natural local stone. The relationship to existing properties was considered important and some thought the design was pleasing but not sure if in keeping with the surrounding dwellings.

Also, From the DESIGN & ACCESS STATEMENT for Wheelwright Cottage 18/00402/FUL (April/May 2014), "External Appearance & Materials - The proposed dwellings will be

constructed to a high standard so as to fit in with the surrounding properties. The palette of external materials is to relate to the adjacent properties with the elevation fronting Old Lane constructed of local white Lias stone."

While we can do nothing about the style and the impact of the eight buildings of Brook View, they are, at least, set down the hill and mostly obscured by the existing properties on Old Lane and the A39 when viewed from the north and west. This would not be the case for this proposed development, which would dominate Old Lane and the space it inhabits.

The applicant suggests in the DESIGN & ACCESS STATEMENT that the existing building has a "style very much of its time", but this does not have to be considered a detrimental attribute, and in the context of Old Lane, could be considered part of the existing character.

o Parking

Garage spaces are no longer included when calculating parking spaces. Therefore, space is not adequate on-site for a four-bedroom property. There is no on-street parking available on Old Lane, which is a busy lane at peak times as it is used as a cut-through from Timsbury Road to the A39.

Third party comments: none received.

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

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

The following B&NES Core Strategy policies should be considered:

- o CP6 Environmental Quality
- o DW1 District Wide Spatial Strategy
- o CP7 Green Infrastructure
- o CP2 Sustainable construction

The following B&NES Placemaking Plan policies should be considered:

- o D1 General urban design principles
- o D2 Local character and distinctiveness
- o D3 Urban Fabric
- o D4 Streets and Spaces
- o D5 Building Design
- o D6 Amenity
- o ST1 Promoting sustainable travel
- o ST7 Transport Access and Development Management

LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

- o The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Principle

The application site is located within the defined housing development boundary in Farmborough and therefore the principle of development is considered acceptable subject to compliance with all other policies.

Character and Appearance

The streetscene is characterised by a mixture of detached and terraced dwellings set in spacious plots. The design and materials on this street is also varied and the new more modern development in the cul-de-sac to the rear of the site (reference: 15/04496/RES) is also noted. This scheme proposes a ground floor extension, addition of new first floor and associated garage, including storage for refuse, recycling and bicycles. The design of the dwelling will change considerably as a result of the proposed works and will be a more modern 'box-like' design.

The Parish Council have objected to the application and have explained that the footprint of the proposed development is significantly larger than the existing property, bringing the boundary of the property adjacent to both Old Lane and the access road to Brook View. The Parish Council have explained that this is not in keeping with the character of the surrounding buildings on Old Lane where the houses are set back from the road. However, whilst the footprint is larger than the existing dwelling, the elements that go up to the boundary are single storey and there is considered to be sufficient outdoor amenity space remaining for the dwelling and as such this isn't considered to create a significant negative impact on the character and appearance of the street.

The Parish Council have also explained that the height of the proposed building is greater than the existing property, and that this will dominate the corner of Old Lane and the access road to Brook View. However, there are a number of two-storey properties on this

street, as well as within the new development close by and as such a property of this height is not considered to be out-of-keeping with the street.

The Parish Council have explained that it should be noted that the BathNES Urban Design Officer's response to the Brook View development (14/02426/FUL) did not consider any issues with overlooking or obscured views of adjacent properties when supporting that application, so raising the height of the building to 'afford a view' should not be necessary. However, the loss or creation of a view is not a material planning consideration as there is no legal right to a view, and as such this has no bearing on the planning assessment.

The Parish Council have also expressed concern regarding the proposed materials. However, the scheme proposes to use render and linear brick with a white lias stone boundary wall and white lias used on the curved wall of the single storey element to the front which can be seen just above the wall and this is considered acceptable and in-keeping with the streetscene, where there are a mixture of different materials. However, to ensure the materials are acceptable a materials samples condition shall be attached to the permission to ensure compliance with policies D2, D3, D4 and D5.

The original design of the scheme was considered to lack articulation and the windows were lacking coherence and as such revised plans were submitted to show a more unified fenestration design and this is considered acceptable. Overall, the scheme is considered broadly compliant with policies D2, D3, D4 and D5.

Highways

The Parish Council has explained that garage spaces are no longer included when calculating parking spaces and so the space is not adequate on-site for a four-bedroom property. The Parish Council have also explained that there is no on-street parking available on Old Lane, which is a busy lane at peak times as it is used as a cut-through from Timsbury Road to the A39. However, it must be noted that the parking standards in policy ST7 are set out for new-build properties and are not for extensions to existing properties. Nevertheless, the level of parking for the property would be three spaces if this were a new build 4-bed property and two spaces can be provided to the front and the applicant has shown that the garage will be 7.2m by 5.3m which is below the standard double garage of 6m by 6m but can still provide one space. Therefore, three off-street spaces can be provided in line with policy ST7. It must be highlighted that the Council do still take garages into consideration for off-street parking. The access remains unchanged and the level of parking is considered sufficient and overall, the scheme is considered compliant with policy ST7.

Residential Amenity

The roof terrace on the original design was considered to give rise to some significant negative over-looking and loss of privacy impacts for neighbouring dwellings and the revised plans show that the roof terrace and balustrades have been removed and replaced by a non-accessible planted roof. This is considered acceptable and a condition shall be attached to ensure that this flat roof isn't used as a terrace in the future.

Considering the orientation of windows and the distances between the dwelling and neighbouring properties, there aren't considered to be any significant negative impacts for

the occupiers of the host dwelling or neighbouring occupiers and the amount of outdoor amenity space leftover for the dwelling is considered sufficient and the scheme is in broad compliance with policy D6.

Other issues

The Parish Council have explained that it is unclear as to whether the existing single-storey structure will be able to support an additional floor. However, this is something that the applicants would need to consider at building regulations sign off and as such this cannot be considered in the planning assessment.

Conclusion

For the reasons set out above, it is recommended that this application is granted permission subject to the conditions as outlined in the decision notice.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 No Terrace/Balcony Use (Compliance)

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

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

4 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 plan references;

037-001-A, 037-003-A, 037-004-A and 037-005-A received 14th July 2021.

037-000, 037-E-01, 037-E-02, 037-E-03, 037-02, 037-06 and 037-07 received 28th May 2021.

2 Permit/Consent Decision Making Statement

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

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

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 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.

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

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

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

Item No: 08
Application No: 21/02181/FUL
Site Location: Archway Cottage Bath Road Tunley Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Camerton **LB Grade:** N/A

Ward Members: Councillor Neil Butters Councillor Matt McCabe

Application Type: Full Application

Proposal: Erection of two storey side extension and demolition of existing converted garage (Resubmission).

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, SSSI - Impact Risk Zones,

Applicant: Mark Donaldson

Expiry Date: 27th August 2021

Case Officer: Rebecca Robinson

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

REPORT

This case has been referred to the Committee as officer's recommendation is to refuse the application. However, Camerton Parish Council and Dunkerton and Tunley Parish Council have supported the application and Cllr McCabe has requested that if the case officer is minded to refuse that the matter is considered at Committee.

Archway Cottage is located on the end of a short terrace, comprising three houses on Bath Road, Tunley. The property falls inside the designated Green Belt.

Planning permission is sought for the erection of two storey side extension and demolition of existing converted garage (Resubmission).

Relevant Planning History:

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Representations:

No third-party representations have been received.

Consultation Responses:

Cllr Martin Robinson has made the following comment:

Archway cottage is one of three remaining miners cottages, referred to as Chapel Cottages as they stand adjacent to what was previously Tunley Methodist Chapel, now a private residence named Hawbuck House. These three cottages would once have been part of a row of miners cottages, stretching westwards to the top of Tunley Hill where the Star Inn once stood, a popular name for public houses located close to coal mines in those times. The miners would have worked in the local pits at Tunley, Camerton and Dunkerton.

It is important that the remaining miners cottages throughout our area are preserved, and the best way of doing that is for them to be lived in. However families nowadays require a little more habitable space than was available to the poor mining families of the late eighteen hundreds and early nineteen hundreds.

To enable these cottages to continue to be residential properties, a little more latitude is needed when considering volume increases. The Existing Dwellings in the Green Belt (2008) section 7.5 states While each application will be considered on its own merit, and not all extensions may be acceptable, in many circumstances a well designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable. This application to extend Archway Cottage should be considered on its own merit, the applicant is proposing a well designed small extension that will retain and echo the architectural features of the host building.

It is accepted that the volume increase which is sought is more than a third, but what must be borne in mind is that the one third is only a proposed guide line, it is not a red line. One third of a substantial four bedroom detached house would represent a significant volume increase, but would none the less be in keeping with the recommendation of section 7.5, whereas a one third increase in the volume of Archway Cottage would be almost meaningless. I would therefore urge you Rebecca to reconsider your present inclination to recommend refusal of this application, simply because the applicant is seeking a modest and realistic volume increase for his young family.

For reference I've listed below recent previous applications within our parish, where latitude has been exercised with similar miners cottages, and in one instance an ex miners public house, The Swan Inn at Dunkerton, now called Swans Way.

Swans Way, Dunkerton 19/03937/FUL 42% increase.

2, Longhouse, Dunkerton 98/03164/FUL 89% & 19/00383/FUL 150% increase.

Lakmuthu Cottage, Dunkerton 18/05260/FUL 37% increase.
1, fir Tree Cottages, Dunkerton 17/00554/FUL 32% increase.
Rosemary Cottage, Dunkerton 20/04583/FUL 40% increase.

If this application is referred to the chair of the DCC for consideration, I would respectfully request the chair to call the application in before the committee for a decision.

Cllr Matt McCabe has made the following comment:

I would like to support Mr Robinson's comments. We have a unique collection of tiny miners' cottages in the ward, and have argued that we should be flexible on volume increases in these instances, to ensure that these properties continue to be attractive to young families.

Should you be minded to refuse, can I ask that this matter is considered at Committee.

Camerton Parish Council:

At its meeting on 17 June Camerton Parish Council unanimously supported this application as it complies with policies D1, D2, D3, D5, CP8, GB1 and GB3 contained in the core strategy and the placemaking plan.

By way of its design and materials this proposal contributes to the local character and distinctiveness of the parish and therefore conforms to policies D1, D2 and D3.

As the proposed extension complements the host building the application meets the requirements of policy D5.

The proposal is not detrimental to the openness or visual amenity of the green belt. Therefore the proposal meets the requirements of CP8 and GB1.

The parish council considers the proposed extension does not represent a disproportionate addition over and above the size of the original building as the volume increase is necessary to provide for expected modern living standards. This means the proposal conforms to policy GB3.

Dunkerton and Tunley Parish Council:

Following the changes from the previously submitted application for this development i.e. the removal of the single storey rear extension and inclusion of the demolition of the existing converted garage the parish council believes it now complies with the planning policies D1,

D2, D3, D5, CP7, NE2, NE2A, CP8, GB1 and GB3 contained in the core strategy and the placemaking plan. Therefore the parish council is fully in support of this application.

As the proposal involves the retention and enhancement of the original features of the property thereby contributing to the local character and distinctiveness of the village it meets the requirements of policy D1, D2 and D3.

The proposed extensions complement the host building so the application conforms to policy D5.

As the green infrastructure will be enhanced this proposal is compliant with policy CP7. Similarly this proposal enhances the local landscape character and its settlement and therefore meets the requirements of policies NE2 and NE2A.

The addition of the small side extension on the narrow piece of ground used at present for parking, and which is enclosed to the west and south by a high hedge, will have little or no impact on the openness or visual amenity of the green belt, whilst the removal of the existing large garage in the rear garden will significantly enhance the openness and visual amenity of the green belt. Therefore the proposal meets the requirements of CP8 and GB1.

The change to this application results in a much smaller volume increase than the previous proposal, meaning that it is now within the acceptable margins for the conversion of what was originally a miners cottage into a small family home fit for modern living. It is therefore considered by councillors to be compliant with GB3.

Highways Development Officers:

The proposed works will increase the bedrooms the dwelling benefits, from 3-beds to 4-beds. This will result in the required off-street car parking provision being increased from 2 spaces to 3 spaces, in order to be policy complaint under the C3 residential parking standards. Drawing number 2009.2 D12 appears to show that the proposed parking area is only 7400mm in length, which falls short of the required 2.4m x 4.8m required per parking space (a total length of 9.6m would be required if 2 vehicles were to park in tandem). The Applicant is requested to submit revised plans which demonstrate 3 off-street car parking spaces can be provided, each measuring a minimum of 2.4m x 4.8m in order to be policy complaint.

To ensure that the parking standards are applied using a flexible approach, departures from the prescribed minimum and maximum are able to be sought where specific circumstances can be demonstrated. Any reduction in the minimum residential parking standards will require the completion of an 'Accessibility Assessment' which will form the basis for any discount from the prescribed standard.

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.

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.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of Development in the Green Belt
- Character and Appearance
- Residential Amenity
- Highways, Safety and Parking

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT

Paragraph 149 of the National Planning Policy Framework (NPPF) outlines that new buildings are inappropriate in the Green Belt. However, some exceptions are outlined, such as paragraph 149(c) which states that extensions and additions to existing buildings within the Green Belt will not be considered inappropriate so long as the extension does not result in a disproportionate addition over and above the original building. This is reflected in Policy GB3 of the Bath and North East Somerset Placemaking Plan.

The 'Existing Dwellings in the Green Belt' Supplementary Planning Document (SPD) (2008) states that when assessing whether an addition is proportionate, the volume of the addition over the volume of the original building will be assessed. It states that, generally additions of "about a third" the volume of the original dwellinghouse are considered acceptable.

The volume calculations submitted as part of this application detail a proposed volume increase of 52.23% over and above the original dwelling. The volume of the original dwelling (as it stood in 1947) is stated to be 293.78m³. This figure includes the pre-1947 rear extension but does not include the detached rear garage as this structure was erected post-1947 and is therefore non-original.

The existing rear garage, although detached, has a close relationship with the main house. It is not original, and therefore currently represents an extension of 32.55% over and above the volume of the original dwelling. However, as this garage is to be demolished as part of this scheme, this volume can be disregarded from further calculations. With regards to its impact on openness, the siting and height of the garage to be removed, compared to the siting and height of the proposed extension have been considered. As the garage is sited to the rear, it is enclosed on four sides by dwellings and neighbouring residential plots. The garage is scarcely visible in the street scene. Comparatively, the proposed side extension will have long-ranging views across the agricultural land to the north and from the western approach along the B3115. For this reason, the loss of the garage is not considered to adequately counterbalance the impact that the proposed extension will have on the openness of the green belt.

The volume of the proposed two-storey side extension is given as 153.44m³ and includes the car port. Although the Design and Access Statement has noted that the carport is not habitable space, this does not remove the structure from calculations of volume. This is because the proposed use of the structure is not considered to reduce its potential to impact the openness of the green belt.

A proposed volume increase of 52.23% is considered to greatly exceed the "about a third" that the SPD outlines to be proportionate and this is considered to negatively impact upon the purposes and openness of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. It is not considered that very special circumstances can be demonstrated in this case. Therefore, the development is contrary to Policy CP8 of the Bath and North East Somerset Core Strategy, Policy GB3 of the Placemaking Plan and Part 13 of the NPPF.

CHARACTER AND APPEARANCE

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

Archway Cottage ends a row of three properties, with the proposed extension projecting 3.6 metres from west elevation. It has a length of 7.4 metres and forms a complementary continuation from the ridgeline of the existing terrace. The arched design of the carport is considered to preserve and enhance the unique character of the cottage, whilst stone-lined render will blend the addition into the existing terrace.

An extension of similar proportions was permitted on the eastern end of the terrace in 2003. However, it is noted that the plot at Chapel Cottages is somewhat larger than the site at Archway Cottage and this historic extension leaves space for rear vehicular access or parking to the side elevation. As Archway Cottage does not benefit from the same width, a similar parking and access arrangement is not possible at this application site. Additionally, the 2003 permission on the eastern plot pre-dates the Green Belt SPD (2008). Under current Green belt policy, the proposed extension at Archway Cottage is deemed a disproportionate addition.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

RESIDENTIAL AMENITY

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

As the neighbouring property to the west is set back further than Archway Cottage, it is not considered that it will be at significant risk of overlooking or loss of light from the proposed extension.

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

HIGHWAYS, SAFETY AND PARKING

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

Highways Officers have noted that for a four-bedroom house (as proposed), three parking spaces, measuring 2.4 by 4.8 metres, would be required to be compliant under C3 residential parking standards. Drawing D12 shows that the total parking area measures 10.5m by 3.2m and offers adequate space for just two vehicles. Paragraph 111 of the NPPF states that in order to refuse a development on highways grounds, the development must cause an unacceptable impact to highway safety or a severe impact to the road network. It is understood that parking is not significantly challenged in this rural area and the slight shortfall is unlikely to unacceptably impact highway safety and/ or residential amenity. However, as the site does not offer any possibility for further parking spaces to match the increased bedroom size, it is acknowledged that the proposal could be a considered an overdevelopment of the site.

Overall, the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

CONCLUSION

The proposed development is disproportionately larger than the host dwelling. The proposal is therefore inappropriate development in the green belt and no very special circumstances have been demonstrated as justification. The proposed development is therefore contrary to the Development Plan, in particular policy CP8 of the Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development is disproportionately larger than the host dwelling. The proposal is therefore inappropriate development in the green belt and no very special circumstances have been demonstrated as justification. The proposed development is therefore contrary to the Development Plan, in particular policy CP8 of the Core Strategy and the National Planning Policy Framework.

PLANS LIST:

1 This decision relates to the following plans:

Drawing - 05 May 2021 - 2009.2 D01 - EXISTING BLOCK AND SITE PLANS
Drawing - 05 May 2021 - 2009.2 D02 - EXISTING GROUND PLAN
Drawing - 05 May 2021 - 2009.2 D04 - EXISTING ROOF PLAN
Drawing - 05 May 2021 - 2009.2 D05 - EXISTING FRONT ELEVATION AND SECTION AA
Drawing - 05 May 2021 - 2009.2 D06 - EXISTING REAR AND SIDE ELEVATIONS
Drawing - 05 May 2021 - 2009.2 D11 - PROPOSED BLOCK PLAN
Drawing - 05 May 2021 - 2009.2 D13 - PROPOSED FIRST FLOOR PLAN
Drawing - 05 May 2021 - 2009.2 D14 - PROPOSED ROOF PLAN
Drawing - 05 May 2021 - 2009.2 D15 - PROPOSED FRONT ELEVATION AND SECTION AA
Drawing - 05 May 2021 - 2009.2 D16 - PROPOSED SIDE AND REAR ELEVATIONS
Drawing - 12 May 2021 - 2009.2 D03 - EXISTING FIRST FLOOR PLAN

2 Community Infrastructure Levy

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

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