

Democratic Services

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Date: 28 June 2011

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Development Control Committee

Councillors: Lisa Brett, Neil Butters, Gerry Curran (Chair), Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Douglas Nicol, Bryan Organ, Martin Veal, David Veale and Brian Webber

Permanent Substitutes:- Councillors: Rob Appleyard, Sharon Ball, John Bull, Nicholas Coombes, Sally Davis, Malcolm Lees, Dine Romero and Jeremy Sparks

For information:

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 6th July, 2011

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 6th July, 2011 at 2.00 pm** in the **Council Chamber - Guildhall, Bath.**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 5th July in the Meeting Room, Lewis House, Bath.

The rooms will be available for meetings of political groups. Coffee etc. will be provided in the Group Rooms before the meeting.

The agenda is set out overleaf.

Yours sincerely

David Taylor
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact David Taylor who is available by telephoning Bath (01225) 394414 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting David Taylor as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting David Taylor as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point, namely, across Orange Grove to the Abbey. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

The Lists of Planning Applications and Enforcement Cases Determined under Delegated Powers are available using the following link:

<http://www.bathnes.gov.uk/ENVIRONMENTANDPLANNING/PLANNING/PLANNINGAPPLICATIONS/Pages/Delegated%20Report.aspx>

Development Control Committee - Wednesday, 6th July, 2011

at 2.00pm in the Council Chamber - Guildhall, Bath

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

The Chair will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 6

2. ELECTION OF VICE CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

Members who have an interest to declare are asked to state:

(a) the Item No and site in which they have an interest; (b) the nature of the interest; and (c) whether the interest is personal or personal and prejudicial.

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Committee Administrator will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, ie 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

To deal with any petitions or questions from Councillors and where appropriate Co-opted Members

8. MINUTES: WEDNESDAY, 8TH JUNE 2011 (Pages 9 - 30)

To approve the Minutes of the previous meeting held on Wednesday 8th June 2011 as a correct record

9. MAJOR DEVELOPMENTS

The Senior Professional – Major Developments to provide an oral update

10. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 31 - 36)

To note the report

11. PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 37 - 168)

The Committee Administrator for this meeting is David Taylor who can be contacted on 01225 - 394414

Member and Officer Conduct/Roles Protocol* **Development Control Committee**

*(*NB This is a brief supplementary guidance note not intended to replace or otherwise in any way contradict Standing Orders or any provision of the Local Authorities (Model Code of Conduct) Order 2001 adopted by the Council on 21st February 2002 to which full reference should be made as appropriate).*

1. Declarations of Interest (Personal and Prejudicial)

- These are to take place when the agenda item relating to declarations of interest is reached. It is best for Officer advice (which can only be informal) to be sought and given prior to or outside the Meeting. In all cases the final decision is that of the individual Member.

2. Local Planning Code of Conduct

- This document as approved by Full Council and previously noted by the Committee, supplements the above. Should any Member wish to state declare that further to the provisions of the Code (although not a personal or prejudicial interest) they will not vote on any particular issue(s) , they should do so after (1) above.

3. Site Visits

- Under the Council's own Local Code, such visits should only take place when the expected benefit is substantial eg where difficult to visualize from the plans, or from written or oral submissions or the proposal is particularly contentious. Reasons for a site visit should be given and recorded. The attached note sets out the procedure.

4. Voting & Chair's Casting Vote

- By law the Chair has a second or "casting" vote. It is recognised and confirmed by Convention within the Authority that Chair's casting vote will not normally be exercised. A positive decision on all agenda items is, however, highly desirable in the planning context although exercise of the Chair's casting vote to achieve this remains at the Chair's discretion .

Chairs and Members of the Committee should be mindful of the fact that the Authority has a statutory duty to determine planning applications. A tied vote leaves a planning decision undecided. This leaves the Authority at risk of appeal against non determination and/or leaving the matter in abeyance with no clearly recorded decision on a matter of public concern/interest.

The consequences of this could include (in an appeal against " non determination" case) the need for a report to be brought back before the Committee for an indication of what decision the Committee would have come to if it had been empowered to determine the application.

5. Officer Advice

- Officers will advise the meeting as a whole (either of their own initiative or when called upon to do so) where appropriate to clarify issues of fact, law or policy. It is accepted practice that all comments will be addressed through the Chair and any subsequent Member queries addressed likewise.

6. Decisions Contrary to Policy and Officer Advice

- There is a power (not a duty) for Officers to refer any such decision to a subsequent meeting of the Committee. This renders a decision of no effect until it is reconsidered by the Committee at a subsequent meeting when it can make such decision as it sees fit.

7. Officer Contact/Advice

- If Members have any conduct or legal queries prior to the Meeting then they can contact the following Legal Officers for guidance/assistance as appropriate (bearing in mind that informal Officer advice is best sought or given prior to or outside the Meeting) namely:-
 1. Maggie Horrill, Planning and Environmental Law Manager
Tel. No. 01225 39 5174
 2. Simon Barnes, Senior Legal Adviser
Tel. No. 01225 39 5176

General Member queries relating to the Agenda (including Public Speaking arrangements for example) should continue to be addressed to David Taylor, Committee Administrator Tel No. 01225 39 4414

**Planning and Environmental Law Manager, Planning Services Manager,
Democratic Services Manager, Solicitor to the Council
April 2002**

Site Visit Procedure

- (1) Any Member of the Development Control or local Member(s) may request at a meeting the deferral of any application (reported to Committee) for the purpose of holding a site visit.
- (2) The attendance at the site inspection is confined to Members of the Development Control Committee and the relevant affected local Member(s).
- (3) The purpose of the site visit is to view the proposal and enhance Members' knowledge of the site and its surroundings. Members will be professionally advised by Officers on site but no debate shall take place.
- (4) There are no formal votes or recommendations made.
- (5) There is no allowance for representation from the applicants or third parties on the site.
- (6) The application is reported back for decision at the next meeting of the Development Control Committee.
- (7) In relation to applications of a controversial nature, a site visit could take place before the application comes to Committee, if Officers feel this is necessary.

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BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 8th June, 2011

Present:- Councillor Gerry Curran in the Chair
Councillors Neil Butters, Liz Hardman, Eleanor Jackson, Les Kew, David Martin,
Doug Nicol, Manda Rigby (In place of Lisa Brett), David Veale and Brian Webber

Also in attendance: Councillor Lisa Brett

1 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

2 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Lisa Brett whose Substitute was Councillor Manda Rigby

4 DECLARATIONS OF INTEREST

There were no declarations of interest

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of Urgent Business

6 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Senior Democratic Services Officer reported that there were various members of the public etc who had given notice to make statements on planning applications and that they would be able to do so when reaching those Items in Report 10.

The Committee noted.

7 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

8 MINUTES: WEDNESDAY, 18TH MAY 2011

The Minutes of the previous meeting held on 18th May 2011 were approved as a correct record and signed by the Chair

9 MAJOR DEVELOPMENTS

The Development Manager updated Members on the Norton Radstock Regeneration development. After hearing a response by the Officer to a Member's query concerning Reserved Matters for the various sites, the Committee noted the update.

10 PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on various planning applications
- An Update Report by the Development Manager on Item 1, a copy of which is attached as *Appendix 1* to these Minutes
- An amended version of Annex 2 to the Update Report on Item 1, a copy of which is attached as *Appendix 1A* to these Minutes
- Oral statements by members of the public etc on Item Nos. 1 – 3, the Speakers List being attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes

Item 1 Stowey Quarry, Stowey Road, Stowey – Restoration of Stowey Quarry by landfilling of Stable Non-Reactive Hazardous Waste (SNRHW) and inert wastes – The Council's Consultant reported on this application and the recommendation, namely, upon receipt of confirmation from the Council's Ecology Officer that no significant effects were likely on the Chew Valley Lake Special Protection Area, authorise the Development Manager to Permit subject to numerous conditions. Reference was made to the Update Report which contained responses to further information received from the applicants. She recommended that amendments be made to various conditions. The public speakers then made their statements against and in favour of the proposals.

Members asked questions about the proposals to which Officers responded. The Chair then opened up the matter for debate. Councillor Les Kew considered that insufficient information had been provided. There were various issues that still needed consideration such as leaching, agricultural land sited below, dangers of asbestos, water diversion previously causing landslip etc. The Water Authority still objected. Assurances were required that there would be no danger caused by the proposals. He therefore moved that the Committee defer consideration for further information from the applicants. This was seconded by Councillor Neil Butters.

Members debated the motion and asked further questions to which Officers responded. Various Members commented on the proposals and generally supported the motion. It was queried whether earlier permissions could be revoked and whether a Bond could be provided by the applicants in respect of restoring the site at the end of the process. Officers responded and considered that these points could be explored with the applicants with the possibility that a S106 Agreement could be

used to secure these matters. It was also requested that Bristol Water Authority be requested to provide an updated report on the application.

The motion was then put to the vote and was carried unanimously.

Item 2 Tennis Court Farm, Wells Road, Hallatrow – Erection of a pair of semi-detached dwellings following demolition of an agricultural barn together with the provision of off-street car parking for Nos. 2 – 5 (inclusive) Bloomfield –

The Case Officer reported on this application and her recommendation to Refuse permission. The public speakers then made their statements against and in favour of the application.

Councillor Les Kew opened the debate and considered that there were various aspects such as the on-street parking for the adjoining houses and road safety that could only be considered properly by having a site visit. He therefore moved that consideration be deferred for a site visit by the Committee. This was seconded by Councillor Eleanor Jackson. This motion was immediately put to the vote and was Lost (voting being 3 in favour and 4 against with 3 abstentions).

Members continued to discuss the application. Advice was provided by the Senior Highways Development Control Officer regarding parking provision and traffic calming on the main road fronting the adjoining houses. Councillor Neil Butters then moved the Officer recommendation to Refuse permission which was seconded by Councillor Doug Nicol.

Members debated the motion. There was discussion relating to the housing development boundary and special reasons being required to overturn this designation. It was also queried whether the use of the proposed dwellings for workers on the farm could be a reason to give permission. The Development Manager commented that the housing development boundary was an area designated in the Local Plan where residential development would be acceptable in principle and strong reasons would be required to allow residential development to take place outside of the boundary. It was not appropriate in this instance to consider the dwellings being required for agricultural workers on the farm because no agricultural case had been put forward by the applicants. Members continued to discuss the matter after which the motion to Refuse was put to the vote. Voting: 8 in favour and 1 against with 1 abstention. Motion carried.

Item 3 No 20 Walden Road, Keynsham – Erection of a single-storey front extension (Resubmission) – The Case Officer reported on this application and her recommendation to Permit with conditions. The public speaker then made his statement against the proposal.

Councillor Brian Webber opened the debate. He pointed out that all the properties in the street were built in the same style and appeared to be identical. This proposed extension in this location and of this design would therefore be out of character with the dwelling and the street scene. The Town Council and many local residents had objected to the development. He considered that the recommendation should be overturned and therefore moved that permission be refused for the reasons outlined. The motion was seconded by Councillor Les Kew.

Members debated the motion. It was considered that the proposal would remove a section of the front garden and destroy the uniformity of the street. It would also set a precedent for similar proposals for development. A lot of objections had been received.

The motion was then put to the vote. Voting: 9 in favour and 0 against with 1 abstention. Motion carried.

11 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES

The Committee noted the report

The meeting ended at 3.30 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

8 June 2011

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEM 10

ITEMS FOR PLANNING PERMISSION

| Item No | Application No | Address | Page No |
|---------|----------------|------------------------------------|---------|
| 01 | 10/05199/MINW | Stowey Quarry, Stowey Road, Stowey | 35 |

Since the completion of the Committee Report for Stowey Quarry, additional information has been provided by the applicant on certain aspects of the development.

This information has been sent to the relevant consultees and responses have now been received.

The responses are set out below under the individual topics which had outstanding objections.

1. Landscape

Following the submission of an 'Arboricultural Implications Assessment and Tree Protection Plan dated 21st April 2011, the BaTHNES Landscape Officer has withdrawn his objection to the application. The Landscape Officer's confirmation is attached at **Appendix 1**.

2. Ecology

At the point of completion of the Committee Report, there were outstanding objections from the BaTHNES Ecologist and Natural England. Additional hydrogeological information has been prepared to demonstrate that there will be no likely significant effects from the development on the conservation status of the Chew Lakes Special Protection Area (SPA).

BaTHNES Ecologist has confirmed that the additional information provided satisfies her concerns and the objection is now removed. Confirmation of this is attached at **Appendix 2**.

Natural England has considered the additional information on hydrogeology and has confirmed that their concerns over impacts on the SPA have been satisfied. The Natural England Officer's confirmation is attached at **Appendix 3**.

3. Hydrogeology

The only outstanding objection is from Bristol Water who maintain that the landfill is inappropriate and undesirable.

A senior hydrogeologist from SLR Consulting Ltd has responded to Bristol Water's comments, clarifying that the hazardous material proposed to be landfilled is 'stable' i.e. it is not material which leaches or has a chemical reaction when wet. The landfill cells for the inert waste and the

SNRHW will be lined and capped in accordance with Environment Agency regulations and no landfilling will be allowed until the cells have been inspected and approved by the Environment Agency.

The Environment Agency has no objections to this application.

In the event that planning permission is granted, the site will not be able to accept the SNRHW prior to gaining an Environmental Permit (EP) from the Environment Agency. The application for the EP will require the preparation and approval of a Hydrogeological Risk Assessment (HRA) which will provide the information that Bristol Water are requesting at the planning application stage.

Bristol Water's comments of the 24th May 2011 and SLR's Hydrogeologist's response are set out in **Appendix 4**.

BaTHNES Landscape Officer Comment

**POLICY AND ENVIRONMENT GROUP
RESPONSE TO CONSULTATION REQUEST**

| | | |
|--|---|--|
| App ref No: 10/05199/MINW | Development proposal Restoration of Stowey Quarry | |
| Job No: | Site Address Stowey Quarry, Stowey Rd, Stowey. | |
| Date Received: | Environment Team Case Officer Charles Potterton | |
| Response Date: 25 TH May 2011 | Requesting DM Officer Chris Herbert | |

| | |
|--|---|
| No Objection or comments | |
| No Objection subject to conditions described below | ✓ |
| Not acceptable in the current form. See comments/ suggestions below | |
| Object, Please see comments below. | |

Summary of observations, recommended conditions and relevant policies

See full response below.

Full response:

I am in receipt of the Arboricultural Implications Assessment & Tree Protection Plan and confirm that I am happy that these matters have now been properly assessed. I am happy to remove my objection in that regard.

I would still ask for Conditions LND 01, 02 and 03 to be added to any permission should one be granted.

Charles Potterton.

BaTHNES Ecology Officer Comment

| PART E: Council's Conclusion | | |
|--|---|--|
| <p>Is the proposal likely to have a significant effect on a European site?</p> <p>No.</p> | <p>With the required Environmental Permit, and all necessary control measures being in place, which will be required before the site may become operational, it can be concluded that this proposal does not present a risk to the water quality of the lake.</p> <p>The risk of a “likely significant effect” on the SPA is excluded in relation to this project.</p> <p>This conclusion has been informed by the planning consultation process and planning consultation responses by Natural England and the Council ecologist, together with independent specialist hydrogeological advice.</p> | |
| Name of Assessing Officer: | Lucy Corner | Job Title: Ecologist |
| Signed: | | Date: 4 th June 2011 |
| Name of Supervising Officer: | | Job Title: |
| Signed: | | Date: |

Appendix 3

Natural England Comment

From: Howell, Alison (NE) [mailto:Alison.Howell@naturalengland.org.uk]
Sent: 25 May 2011 18:30
To: Jenny Ellerton; Christopher Herbert
Cc: Lucy_Corner@BATHNES.GOV.UK; Joanna Freyther
Subject: RE: Stowey Quarry

Given that adequate information has been provided at this stage and that further work will be done in order to obtain the EA permit, the report and your summary answer my concerns regarding hydrology.

Regards
Alison

Alison Howell
Lead Advisor
Sustainable Land Use Team
(Monday and Tuesday 9-5pm and Wednesdays 9-12.30)

Bristol Water Comment

BW Comment: The study area presented in all of the reports is limited and does not make clear the fact that there is major reservoir 1500m to the west that provides over 50 million liters per day of drinking water to the surrounding area.

SLR response

- Measurement based on the OS map shows that at a minimum the site is **1900m away** from the Chew Valley reservoir not 1500m.
- The proximity of the reservoir is mentioned within the report;
 - Section 1.1.3 states that the Chew Valley Reservoir, some 2km north-west of the site, which is used as a drinking water supply and is also a SPA and SSSI.
 - Section 3.4.3 (Receptors) states that the Chew Valley Lake is located 2km north-west of the site on Mercia Mudstone strata.
- Further information will be submitted as part of the Hydrogeological Risk Assessment Review.

BW Comment: All springs supplied by surface and groundwaters upon which the proposed site can impact carry water into the reservoir, this significant point is given very little prominence in the report, which focuses on a limited area and not what may happen to flows of potentially contaminated underground water once they leave that area.

SLR response

Would be addressed within the Hydrogeological Risk Assessment which would be submitted as part of the Permit Application. As stated in my previous e-mail this risk assessment would need to be acceptable to the Environment Agency and signed off before the EP is issued for the site. The HRA would be completed in accordance with current EA guidance

BW Comment: In section 2.5.4, it is stated the spring line from the limestones beneath the quarry is 900m to the north. This is the spring system that supplies Hollow Brook, already a significant conduit of untraced pollution events into the reservoir.

SLR response

Notwithstanding the location of the spring system, the proposed waste type is stable non reactive waste. There is no potential for leaching of the waste and therefore no potential of contamination of this system from the landfill

BW Comment: In section.3.4 It is stated that any downward migrating leachate will be transmitted horizontally through the limestones to the aquiclude, and ultimately into the spring line of the Hollow brook and into the reservoir.

SLR response

It is reiterated that the waste will be placed within contained cells in accordance with Landfill Directive requirements. Leachate (which would be of very low strength due to the low leachability of the type of waste to be disposed of at the site) must migrate through the landfill liner which would consist of an Artificial Sealing Liner **AND** low permeability mineral layer, eg compacted clay.

Leachate heads would also be controlled by active pumping to maintain low standing depth within the landfill.

The potential for leakage is therefore very low. In the very unlikely event of potential leachate leakage and migration from the landfill site, the impact would be low due to the low source term concentration and would be further reduced by the attenuation mechanisms (biodegradation and retardation, as well as dilution) along the groundwater and surface water flow pathways.

BW Comment: Section 3.4.3 It is difficult to see how the reservoir is outside of the zone of influence of the landfill site when groundwater beneath the propose site will eventually be conveyed via Hollow Brook into the reservoir.

SLR response

The site is 1900m away from Chew Valley at its closest point. Any potential contamination from the site (which has already been suggested as low) would be diluted either within groundwater or surface water or further reduced by the attenuation mechanisms (biodegradation and retardation, as well as dilution) along the groundwater and surface water flow pathways.

Within that distance (1900m) there is the potential for contamination of the Chew Valley Reservoir from various other point sources.

BW Comment: From the data provided in the preceding sections of the report , it is hard to see how the report comes to the conclusion that the risk of pollution entering the reservoir is 'very small'. For this to be true, the liner and waste management system would need to be 100% reliable in perpetuity. A guarantee that I do not believe any contractor could provide.

SLR response

As stated previous the nature of the waste suggests that even before looking at the reliability of the liner and waste management system, the risk of pollution entering the reservoir is small. The reliability of the sites liner / management system will be assessed in the Hydrogeological Risk Assessment that will be submitted as part of the Permit Application.

BW Comment: There is no detailed risk assessment to support any of the conclusions made in the report.

SLR response

A detailed Hydrogeological Risk Assessment will be submitted as part of the Permit Application. As stated in my previous e-mail this risk assessment would need to be acceptable to the Environment Agency and signed off before the EP is issued for the site. The HRA would be completed in accordance with current EA guidance

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BaTHNES Ecology Officer Comment

| ASSESSMENT OF LIKELY SIGNIFICANT EFFECT ON A EUROPEAN SITE | |
|---|--|
| CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 | |
| PART A: The Proposal | |
| Type of application: | Minerals & Waste Application Bath & North East Somerset Council |
| Application reference no: | 10/05199/MINW |
| National Grid reference: | (E) 359772 (N) 158623 |
| Application site: | <i>Stowey Quarry Stowey Road Stowey Bristol</i> <i>BS39 5UJ</i> |
| Brief description of proposal: | Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) and inert wastes. |
| European site name(s): | Chew Valley Lake Special Protection Area |
| Introduction | |
| <p>This application regarding landfilling of Stowey Quarry has been considered under the Conservation (Natural Habitats & c.) Regulations 2010. In particular, the project is examined with regard to its impact on the Conservation Objectives of Chew Valley Lake Special Protection Area (SPA).</p> <p>Before granting planning consent, Bath & North East Somerset Council must be certain that the proposed development, either on its own or in combination with other plans or projects, will not have a significant effect on the SPA. Any uncertainty requires Bath and North East Somerset Council, as the competent authority, to carry out a fuller investigation known as an "Appropriate Assessment".</p> <p>The focus of the Council's assessment is on the conservation objectives of the SPA. Essential attributes of these objectives are maintaining the water levels & water quality of Chew Valley Lake.</p> | |
| Part B: The European Sites potentially affected | |
| Site Name & Designation | Chew Valley Lake is designated under the Wild Birds Directive as a Special Protection Area (SPA). |

| | | |
|---|--|--|
| Component Sites of Special Scientific Interest (SSSIs) | Chew Valley Lake | |
| Conservation Objectives | <p>The Conservation Objectives are: to maintain in favourable condition (or restore to favourable condition if features are judged to be unfavourable) the listed habitat features and special interest features (habitats, vegetation types, species, species assemblages etc.) for which the land is designated.</p> <p>The Conservation Objectives for the SSSI and SPA designations at the site are defined by Natural England for the full range of interest features for which the site is designated (Conservation objectives and definitions of favourable condition for designated features of interest; Chew Valley Lake; 10th March 2009).</p> | |
| List Of Special Interest Features | <p>The interest feature for which the site is designated a SPA is for its “Aggregation of non-breeding birds – Shoveler”.</p> <p>This feature is dependent upon the maintenance in favourable condition of the habitat “Standing waters on sedimentary rocks, eutrophic”.</p> | |
| Is the proposal directly connected with or necessary to the management of the European site for nature conservation? | No | |
| Proximity of proposal to Chew Valley Lake SPA: | 2km | |
| PART C: Risk Assessment | | |
| <p>The risk assessment for the proposal based on the details initially submitted, is summarised and discussed below.</p> | | |
| Special Interest Feature | Potential hazard | Potential exposure to hazard |
| <i>Standing Waters (habitat upon which the Shoveler depend)</i> | harm to water quality | pollutants from Stowey Quarry landfill entering Chew Valley Lake |
| What potential hazards are likely to affect the interest features of the SPA? | | |
| <p>The following potential hazards can be identified:</p> <ul style="list-style-type: none"> ➤ risk of pollutants present in waste deposited during landfill of Stowey Quarry, either from Stable Non Reactive Hazardous Waste (SNRHW) and inert wastes, or from other (non-permitted) waste being deposited at Stowey Quarry, escaping into the water catchment ➤ the level of potential risk of affecting the SPA conservation objectives ➤ The possible scale or magnitude of any potential risk, & likely duration and irreversibility or reversibility of the effect <p>From the initial details submitted for the planning application, it was considered that the proposal would not impact on Chew Valley Lake SPA <u>provided</u> watercourses and water within the catchment would not be contaminated as a result of the proposals. Sufficient safeguards would need to be in place to ensure no effect on water quality of the lake.</p> | | |

The application did not initially demonstrate sufficient analysis of risks, nor that sufficient safeguards will be in place. More information was therefore requested to demonstrate this, and that there would be no significant effect on the conservation status of the Special Protection Area.

There are no other projects with which there could be “in combination” effects so this issue has not been considered in depth for the “test of likely significant effect”.

Potential impacts: Potential harm to the water quality of Chew Valley Lake, and subsequent harm to the habitats and bird populations it supports, including Shoveler.

Part D: Further investigation; Discussion and Assessment of likely effects and their significance

NB In assessing the effect of a development, any control or mitigation measures should be taken into account.

A further report was submitted: “**Conceptual Site Model Report for Stowey Quarry, Bishop Sutton, near Bristol**” *Watermill Environment Ltd; Rob Harper April 2011.*

The report sets out to address the following points, and to qualitatively assess the potential risk posed by the proposed landfill to the surrounding water environment:

- The proximity of the site to Chew Valley Reservoir, some 2 km northwest of the site, which is used as a drinking water supply and is also a Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).
- The potential for contamination of springs and streams in the vicinity of the site that drain into the reservoir.
- Uncertainty over the groundwater regime (flow mechanism and direction) at the site.
- Uncertainty over landfill engineering, surface water control and pre-disposal waste treatment (sorting).

Table 5 of the report summarises the risk assessment findings as follows:

| Criterion | Comment |
|----------------------------------|--|
| Pollution potential of source | Leachate within SNRHW is likely to exhibit lower concentrations than other Non-hazardous waste. However, potentially high concentrations of certain chemicals such as chloride and sulphate may occur. |
| Presence of migration pathway(s) | Potential for downward migration of leachate through the engineered landfill liner towards the watertable within the underlying Lias Limestone strata (probably classified a Secondary B Aquifer by the EA). |
| Receptors present | Groundwater beneath the site (both receptor and pathway) and surface waters at downgradient springs some 900 m northeast of the site boundary. |

The report makes the following conclusions:

- Chew Valley Lake is considered at negligible risk of pollution due to the large vertical thickness (approximately 100 m) of mudstone strata between the site and the Lake. Groundwater flow at the site is likely to still be northeastwards away from the Lake.
- The spring source of the Barelegs Brake is located on the upgradient side of the site and therefore considered at low potential risk.
- There are no apparent springs supported by groundwater in the Lias Limestone strata in the immediate vicinity of the site. The closest potential springs considered at potential risk are located some 900 m northeast of the site (to be assessed quantitatively in due course).
- The likelihood that a significant volume of leachate could escape the engineered landfill, flow downgradient to the groundwater discharge zone and subsequently flow downstream into the Chew Valley Lake is considered very small (to be assessed quantitatively in due course).

The Council has used independent specialist hydrogeological expertise to assess this report, and its conclusions are not disputed (ref Email from Jenny Ellerton, 24th May 2011- attached - Appendix 1).

A further quantitative Hydrogeological Risk Assessment (HRA) of potential risk posed by the landfill to the local water environment will be undertaken as part of the subsequent application to the Environment Agency for an Environmental Permit. This is required by law and a permit will not be issued until the Environment Agency are satisfied that there is no risk of pollution to the Lake, and that all necessary control measures are in place.

It is therefore considered that with the required Environmental Permit, and all necessary control measures in place (which will be required before the site may become operational), the proposal does not present a risk to the water quality of the lake, nor to the Shoveler populations. The risk of a “likely significant effect” on the SPA can be excluded.

Summary Assessment of Likely Significant Effects

| Criteria feature | Attribute term in guidance | Likely Significant Effect |
|--|--|--|
| Standing waters: Water quality | Existing data from Bristol Water monitoring programme. Stable nutrient levels appropriate to lake type. | none (with Environmental Permit & control measures in place) |
| Aggregations of non-breeding birds: Shoveler | Bird population size. Maintain population within acceptable limits. | none (with Environmental Permit and control measures in place) |
| Standing waters: Lake substrate | Shoreline walk. Maintain natural shoreline. No more than 5% of lakeshore should be heavily modified. | n/a - no direct effect |

| | | |
|---|---|------------------------|
| Standing waters: Sediment load | Observe areas of increased erosion and deposition. Maintain natural sediment load. | n/a - no direct effect |
| Standing waters: Vegetation composition - negative indicator species | Non-native species should be absent or present at low frequency. Cover of benthic and epiphytic filamentous algae should be less than 10%. | n/a - no direct effect |

PART E: Council's Conclusion

| | | |
|--|---|--|
| <p>Is the proposal likely to have a significant effect on a European site?</p> <p>No.</p> | <p>With the required Environmental Permit, and all necessary control measures being in place, which will be required before the site may become operational, it can be concluded that this proposal does not present a risk to the water quality of the lake.</p> <p>The risk of a "likely significant effect" on the SPA is excluded in relation to this project.</p> <p>This conclusion has been informed by the planning consultation process and planning consultation responses by Natural England and the Council ecologist, together with independent specialist hydrogeological advice.</p> | |
| Name of Assessing Officer: | Lucy Corner | Job Title: Ecologist |
| Signed: | | Date: 4 th June 2011 |
| Name of Supervising Officer: | | Job Title: |
| Signed: | | Date: |

PART F: Consultation with English Nature

| | |
|--|---|
| English Nature comment on conclusion: | Natural England commented on the planning application. Following the submission of the hydrogeological report, Natural England have confirmed they are satisfied with the information provided. (ref email from Alison Howell 25 th May 2011, Attached, Appendix 2). |
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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

8th June 2011

DECISIONS

| | | |
|--------------------------------|--|----------------------|
| Item No: | 01 | |
| Application No: | 10/05199/MINW | |
| Site Location: | Stowey Quarry, Stowey Road, Stowey, Bristol | |
| Ward: Chew Valley South | Parish: Stowey Sutton | LB Grade: N/A |
| Application Type: | Minerals and Waste application | |
| Proposal: | Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) and inert wastes. | |
| Constraints: | Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal fields, Existing Mineral Working, Forest of Avon, Mineral Consultation, Water Source Areas, | |
| Applicant: | Mr Larry Edmunds | |
| Expiry Date: | 7th March 2011 | |
| Case Officer: | Chris Herbert | |

DECISION Defer

Defer consideration.

Reason: To seek further information from the applicant.

| | | |
|-----------------------------|---|----------------------|
| Item No: | 02 | |
| Application No: | 11/00540/FUL | |
| Site Location: | Tennis Court Farm, Wells Road, Hallatrow, Bristol | |
| Ward: High Littleton | Parish: High Littleton | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Erection of a pair of semi-detached dwellings following demolition of an agricultural barn together with the provision of off-street car parking for No's 2-5 (incl) Bloomfield | |
| Constraints: | Agric Land Class 1,2,3a, Coal fields, Forest of Avon, Housing Development Boundary, | |
| Applicant: | Ben J Stock | |
| Expiry Date: | 13th April 2011 | |
| Case Officer: | Rebecca Roberts | |

DECISION REFUSE for the following reasons:

1 The proposed development by reason of its design does not respond to the local context and will be visually harmful to the appearance of the area, contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007.

2 The proposed development, by reason of its siting outside of the housing development boundary would represent inappropriate development contrary to policy HG.10 of the Bath and North East Somerset Local Plan (including waste and minerals policies) 2007.

3 The proposed development, by reason of the siting of the proposed car parking area in this location would encroach into open countryside and would be visually detrimental to the rural character of this locality. This would be contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including waste and minerals policies) 2007.

PLANS LIST: This decision relates to drawing no's BS/02, BS/03, BS/04, BS/05 and the Design and Access Statement dated 27th January 2011.

| | | |
|----------------------------|--|----------------------|
| Item No: | 03 | |
| Application No: | 11/00559/FUL | |
| Site Location: | 20 Walden Road, Keynsham, Bristol, Bath And North East Somerset | |
| Ward: Keynsham East | Parish: Keynsham Town Council | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Erection of a single storey front extension (resubmission). | |
| Constraints: | Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, | |
| Applicant: | Mr & Mrs Wiggins | |
| Expiry Date: | 6th April 2011 | |
| Case Officer: | Victoria Griffin | |

DECISION REFUSE for the following reason:

1 The proposed siting and design of the extension would detract from the character and appearance of the existing house and this part of Walden Road contrary to Bath & North East Somerset Local Plan (Adopted October 2007) policies D2 and D4.

PLANS LIST: Location plan, L[00]10A, L[00]01 - L[00]05, Design & Access Statement 09/02/11
North & South Elevations, Roof Plan and East elevations date received 23/03/11

| Bath & North East Somerset Council | |
|---|--|
| MEETING: | Development Control Committee |
| MEETING DATE: | 6th July 2011 |
| RESPONSIBLE OFFICER: | Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281) |
| | AGENDA ITEM NUMBER |
| TITLE: | NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES |
| WARD: | ALL |
| BACKGROUND PAPERS: | None |
| AN OPEN PUBLIC ITEM | |

APPEALS LODGED

App. Ref: 10/05317/FUL
Location: Workshop Kilkenny Lane Englishcombe Bath
Proposal: Erection of replacement builders store and workshop
Decision: Non-determination
Decision Date: Non determination
Appeal Lodged: 6 June 2011

App. Ref: 10/03877/FUL
Location: 1 Holly Court High Street Midsomer Norton Radstock
Proposal: Change of use of Units 1 & 2 from retail (Use Class A1) to Use Class A3
Decision: REFUSE
Decision Date: 3 December 2010
Decision Level: Delegated
Appeal Lodged: 10 June 2011

App. Ref: 10/04219/FUL
Location: Avon Prior Durley Park Keynsham Bristol
Proposal: Conversion of double garage into two storey two bedroomed dwelling (Retrospective)
Decision: REFUSE
Decision Date: 8 December 2010
Decision Level: Delegated
Appeal Lodged: 10 June 2011

APPEAL DECISIONS

App. Ref: 10/02354/FUL
Location: Land at South View, Radstock, Somerset BA3 3DW
Proposal: The development proposed is a dwelling and parking bay.
Decision: REFUSE
Decision Date: 2nd August 2010
Decision Level: Delegated
Appeal Decision: **Dismissed**

Summary:

- The principal issue is the effect of the proposed development on the character and appearance of the area.
 - The Inspector was of the opinion that the semi-rural character of South View is defined by the houses on one side of the cul-de-sac and the open aspect on the other. It was considered that the dwelling would appear incongruous in relation to the terrace of two-storey houses, and its siting would relate poorly to the built forms around it.
 - The proposal would appear cramped on its narrow plot, incongruous with the more spacious setting of the modern two-storey house which lies opposite.
 - It was concluded that the proposed development would be out of keeping with the character and appearance of the area, contrary to policies D2 and D4 of the 2007 Bath and North East Somerset Local Plan.
-

App. Ref: 10/003608/FUL
Location: East Chapel, 195a High Street, Batheaston, Bath, BA1 7NS
Proposal: Replacement and enlargement of existing decking.
Decision: Refused
Decision Date: 23rd November 2010
Decision Level: Delegated
Appeal Decision: **Allowed**

Summary:

The Inspector was of the opinion that the main issues are the impact of the proposal on, firstly, the setting of the adjacent listed building and the Conservation Area and, secondly, the outlook and privacy of Pencoyd.

Having regard to the scale and position of the proposed development and the fact that the outline of the balustrade would be softened by existing vegetation, he did not consider that it would materially affect the setting of the listed building or the character or appearance of the Conservation Area, which would therefore be preserved.

In respect of loss of amenity to Pencoyd it was accepted that the removal of vegetation in order to lay the decking in the north-east corner of the garden could increase the potential for overlooking between the two properties at this point. However, vegetation could be removed whether or not decking is laid and fencing could be erected without the need for planning permission. It was therefore not justified to dismiss the appeal on the grounds of impact on the outlook and privacy of this adjoining dwelling. For the above reasons the Inspector allowed the appeal.

App. Ref: 10/04471/FUL
Location: 15 Northview Close, Bath
Proposal: The development proposed is a two-storey side and rear extension, and single-storey garden room extension.
Decision: Refused
Decision Date: 29 December 2010.
Decision Level: Delegated
Appeal Decision: **Dismissed**

Summary:

The Inspector considered the main issues to be the effect that the proposed development would have upon the character and appearance of the area, and upon the protected tree in the rear garden of No. 15.

In views from the street, the proposed development would extend the front elevation of No. 15 by some 3.6m, and would involve the creation of two new windows at first-floor level, and two at ground-floor level. The substantial increase in width would disrupt the existing symmetry of the semi-detached pair, and considerably narrow the gap between Nos. 14 and 15. This would undermine the visual balance of the existing building, and disrupt the harmony of the established pattern of development.

It was therefore found to conflict with the aims of Policies D.2 and D.4 of the Bath & North East Somerset Local Plan Adopted October 2007, which seek to ensure that new development maintains the character of the public realm, responds to its context in terms of appearance, siting and spacing, and reinforces or complements attractive qualities of local distinctiveness.

The rear garden of No. 15 contains an oak tree that is protected by a Tree Preservation Order. It is a large specimen over 100 years old, and is clearly visible, in views from the street, above the roof of No. 15 and through the gap between Nos. 14 and 15. As such, it is a significant feature in the landscape.

Taking into account the degree that proposed works would project towards the tree and required ground works, the Inspector was concerned that the proposed development could severely compromise the continuing health and longevity of this important protected tree. It was therefore concluded that it would fail to meet the objectives of Policy NE.4 of the Local Plan, which provides that development will only be permitted where it does not have an adverse impact upon veteran trees, or trees of landscape value.

App. Ref: 09/04496/FUL
Location: Parcel 2095 Warminster Road Bathampton Bath BA2 6RU
Proposal: Erection of 4no. dwellings in south east corner of paddock (Resubmission)
Decision: Refused
Decision Date: 23.04.2010
Decision Level: Delegated
Appeal Decision: **Dismissed**

Summary:

Impact on the open space, conservation area and setting of listed buildings:

The Inspector reasoned that the appeal site was an important open area and that the scheme would compromise the open space. The proposal would conflict with Local Plan Policy BH.15. The site is important to the setting of the conservation area making a positive contribution. The proposed three storey houses and access splays which necessitates the removal of large lengths of hedgerow and the driveway would be intrusive. The size, height and prominence above Bathampton lane would detract from the open space. The proposals would cause significant harm to the character and appearance of the conservation area. The setting of five adjacent grade II listed buildings would likewise be harmed by the development. The prominence and classical design of the new houses might confuse the historical development of the listed buildings or detract from their authenticity.

Trees:

The proposed visibility splays would necessitate the removal of a protected tree and a length of hedgerow. One house would be close to a protected tree which would shade the garden area and may result in pressure for it to be reduced/removed.

Flooding:

There is limited information on the susceptibility of the site to flooding and no percolation tests have been carried out to determine the feasibility of using soakaways. A sustainable drainage system could be required but this might necessitate the creation of a pond which is operational development for which interested parties will have been unable to comment. This issue would need to be resolved before permission should be granted. The proposal as it stands conflicts with Policy NE.14.

Protected species:

The Inspector acknowledges the importance of the nearby SAC and the presence of Greater Horseshoe Bats in particular. However in the Inspector's assessment, it is unlikely that the foraging patterns over the site have altered so significantly since 2008. Subject to conditions protection for bats would therefore be adequate.

Affordable housing:

There is a substantial housing need in the area and the Inspector gives considerable weight to the potential benefits of providing affordable housing. The proposed density of development at 2 dwellings per hectare would be a profligate use of land in an area where housing need is high. The Inspector found that there were no sound reasons why affordable housing cannot be provided on site.

The relevant unilateral undertaking submitted with the appeal in respect of providing a commuted sum put forward £250,000 towards off-site provision. The Inspector advised that the submitted figures appear to overstate the cost of building the houses and the figures have not in any case been corroborated. The principle of accepting a financial contribution in lieu of on-site provision has not in any case been justified.

Precedent:

The Inspector acknowledged the concerns of residents that a precedent may be set for the development of the remainder of the site if this appeal were to be allowed.

App. Ref: 10/04622/LBA
Location: Land West of Bloomfield Crescent, Bath BA2 2BE
Proposal: The works proposed are regularisation of works to form vehicular access
Decision: Refused
Decision Date: 21 February 2011
Decision Level: Delegated
Appeal Decision: **Dismissed**

Summary

Although drawn out in a line away from the terrace, the walled gardens are connected to each other, the communal footpath and, in turn, the wash house, the drying ground and the site of the orchard, now occupied by a house. The appeal site is the closest of the gardens to the terrace and adjoins the drying ground. There is therefore a strong association between the listed terrace and the walled gardens in their physical layout. The function of the gardens when the walls were built was directly linked to the terrace.

The works, which have been partially carried out but not completed, include the partial demolition of the wall, with the majority of the structure remaining, and the erection of close boarded gates. As such it would not comprise substantial demolition of the structure of the garden wall. Nevertheless, the new opening is a significant alteration such that listed building consent is required.

The 20th century alterations and rebuilding identified by English Heritage have affected some but not all of the south walls to the gardens. It is accepted that these reduce the impact that the proposals would have on the character of the wall as a whole. On the other hand, they increase the significance of the surviving historic walls, particularly those closest to the terrace. Therefore the partial demolition of the wall has significantly reduced its integrity and harmed its significance as part of an important designated heritage asset. The demolition is therefore contrary to government policy in Planning Policy Statement 5 (PPS5): *Planning for the Historic Environment* which sets out the presumption in favour of the conservation of designated heritage assets, including listed buildings, the significance of which can be harmed by alteration. Where this would be less than substantial, the harm should be weighed against the public benefit (Policy HE9.4). Given that there is existing access to the site, and that there is little information on the proposed use of the access, limited weight can be given to any potential benefits. For all the above reasons the conclusion is that the works would harm the listed building and conflict with policy in PPS5 and therefore Appeal A should fail.

App. Ref: 10/03667/LBA
Location: 14 Burlington Street, Bath BA1 2SA
Proposal: The works proposed are the repair and damp-proofing of one vault and entrance vault under jack-arch
Decision: Refused
Decision Date: 22 October 2010

Decision Level: Delegated
Appeal Decision: Dismissed

Summary

The fixing of the proposed lining in the vault would inevitably cause some damage to the original fabric of the building, which would also then be concealed from view. While in theory the work would be reversible it is not accepted that this is a sufficient justification for alterations which would harm the significance and thus the special architectural and historic interest of the listed building. This part of the proposal would therefore conflict with the policies in PPS 5. With regard to the lobby area, this is already part of the living accommodation and the stonework is already covered over. It does not therefore have the same architectural interest or significance to the building as a whole. Taking account of these factors and of the benefit which the work would bring to the up-keep of the building, it is considered that this part of the proposal is justified. Subject to appropriate conditions, the re-laying of the floor slabs and the alterations to the door would not harm the architectural or historic interest of the building and therefore there are no objections to them.

However notwithstanding this, generally, the works to the vault would be harmful to their historic architectural interest and character and to the protected building as a whole and therefore it is concluded that, for the above reasons and having regard to all other matters raised, the appeal should fail.

| Bath & North East Somerset Council | |
|---|--|
| MEETING: | Development Control Committee |
| MEETING DATE: | 6th July 2011 |
| RESPONSIBLE OFFICER: | Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281) |
| TITLE: | APPLICATIONS FOR PLANNING PERMISSION |
| WARDS: | ALL |
| BACKGROUND PAPERS: | AN OPEN PUBLIC ITEM |

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.

- [2] Department work sheets relating to each application/proposal as above.

- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)

 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal

- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

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

application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

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

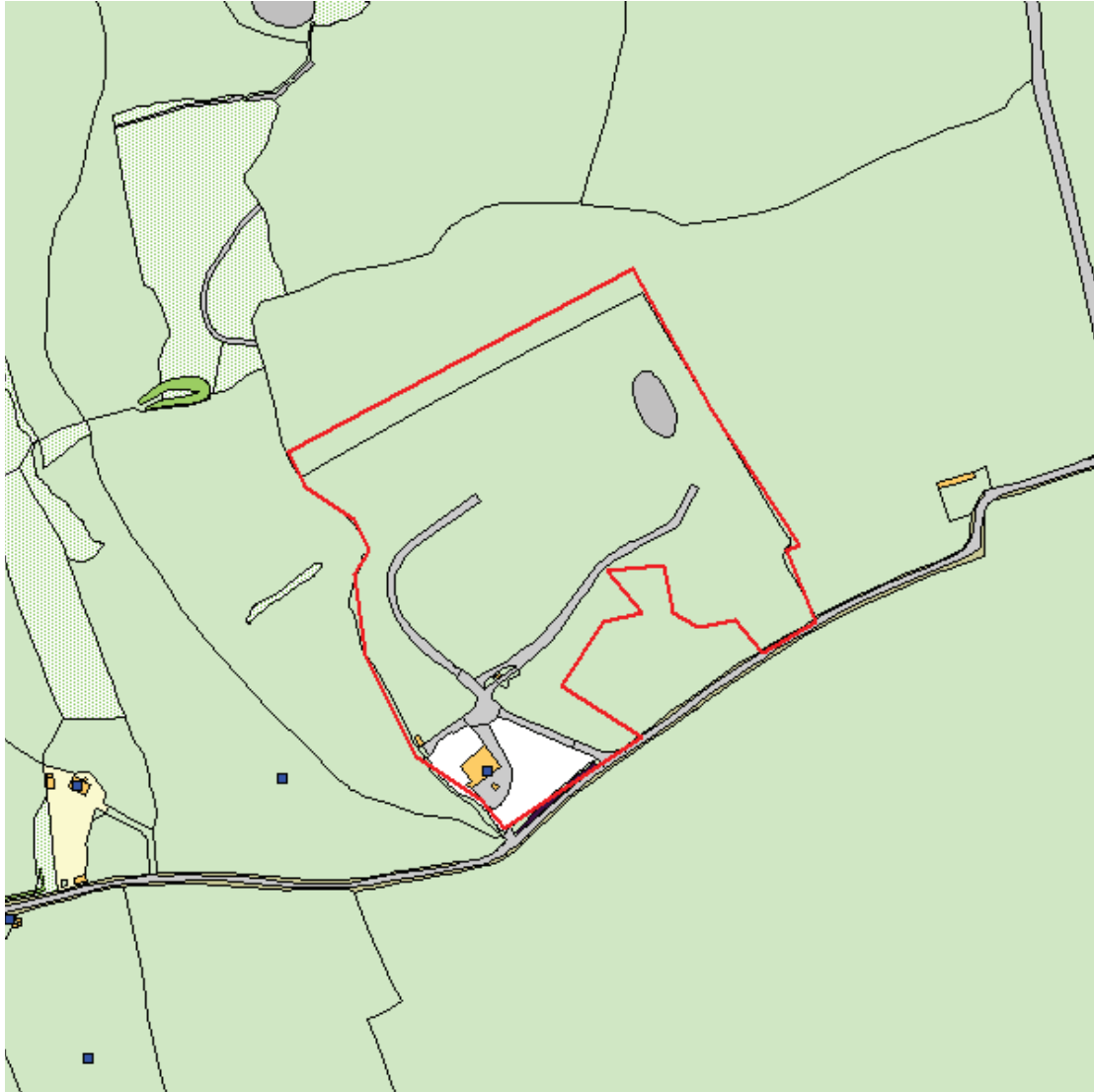
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| ITEM NO. | APPLICATION NO. & TARGET DATE: | APPLICANTS NAME/SITE ADDRESS and PROPOSAL | WARD: | OFFICER: | REC: |
|----------|--------------------------------|---|----------------------|----------------------|-----------------------|
| 01 | 10/05199/MINW 7 March 2011 | Mr Larry Edmunds Stowey Quarry, Stowey Road, Stowey, Bristol, Bath And North East Somerset Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) and inert wastes. | Chew Valley South | Chris Herbert | PERMIT |
| 02 | 11/00768/FUL 8 June 2011 | MDN Properties (Bath) Ltd 4 James Street West, City Centre, Bath, Bath And North East Somerset, BA1 2BT Construction of new hotel of 108 bedrooms with ancillary bar, restaurant, guest drop-off area, disabled parking, cycle storage, enclosed service bay and plant area following demolition of all existing buildings at 4 James Steet West/1(a) and 2 Kingsmead North | Kingsmead | Mark Reynolds | Delegate to PERMIT |
| 03 | 11/00779/CA 4 May 2011 | MDN Properties (Bath) Ltd 4 James Street West, City Centre, Bath, Bath And North East Somerset, BA1 2BT Demolition of all existing buildings at 4 James Steet West/1(a) and 2 Kingsmead North | Kingsmead | Ian Lund | CONSENT |
| 04 | 11/00659/FUL 20 June 2011 | Darwin Newton Mill Caravan And Camping Site, Pennyquick, Newton St. Loe, Bath, Bath And North East Somerset Siting of 17no. static caravans to replace 28no. caravan pitches. | Bathavon West | Jonathan Fletcher | REFUSE |

| | | | | | |
|----|--------------------------------|--|----------------------|---------------------|--------|
| 05 | 10/04493/FUL 5 January 2011 | Jeff Gillingham Land Between Barton House And Laburnum Cottage, The Barton, Corston, Bath, Erection of new dwelling from existing access on land adjacent to Laburnum Cottage | Farmborough | James Jackson | REFUSE |
| 06 | 11/01517/FUL 28 June 2011 | Mr Nigel Dando 22 The Tynning, Widcombe, Bath, Bath And North East Somerset, BA2 6AL Erection of side and back extension, internal alterations to provide flexible family property, landscaping and formation of drive and parking area, general upgrading of services, insulation levels and existing windows | Widcombe | Victoria Griffin | REFUSE |
| 07 | 10/05014/FUL 25 May 2011 | Mr James Livingstone Stables, Butcombe Lane, Nempnett Thrubwell, Bristol, Bath And North East Somerset Retention of stable block, field shelter, hay store, hard-standing, lean-to and secure tack room and siting of tractor, trailer, horse box and touring caravan and change of use of land to equestrian. | Chew Valley South | Richard Stott | PERMIT |
| 08 | 10/04747/EFUL 11 March 2011 | Bath Spa University Street Record, Bath Spa University Campus, Newton St. Loe, Bath, Bath And North East Somerset Demolition of existing residential (C2) and education (D1) buildings and redevelopment of part of Newton Park for educational purposes as Phase 1 of the campus master plan to provide a two/three storey academic building (approximately 8,528.7 sq m) together with associated access, landscaping, car parking and infrastructure, in addition to temporary extension to main car park south of campus | Bathavon West | Geoff Webber | PERMIT |
| 09 | 10/04748/EFUL 11 March 2011 | Bath Spa University Sydney Court, Bath Spa University Campus, Newton St. Loe, Bath, Bath And North East Somerset Extensions to Sydney Court to the north of Newton Park campus to provide a single storey building and enclosed flues to accommodate an energy centre comprising bio-fuel boilers and backup equipment and an electricity sub-station, together with a compound to house a generator adjacent to the library, and associated access and landscaping works | Bathavon West | Geoff Webber | PERMIT |

REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT
DEVELOPMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 10/05199/MINW
Site Location: Stowey Quarry, Stowey Road, Stowey, Bristol



Ward: Chew Valley South **Parish:** Stowey Sutton **LB Grade:** N/A
Ward Members: Councillor V L Pritchard
Application Type: Minerals and Waste application
Proposal: Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) and inert wastes.
Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal fields, Existing Mineral Working, Forest of Avon, Mineral Consultation, Water Source Areas,
Applicant: Mr Larry Edmunds
Expiry Date: 7th March 2011
Case Officer: Chris Herbert

REPORT

DESCRIPTION OF SITE AND APPLICATION AND RELEVANT HISTORY:

This application was deferred at the last meeting of the Committee for further information to be obtained about the proposal.

Stowey Quarry is located approximately 1.5km south east of Bishop Sutton and 550m from Stowey House Farm on the edge of the escarpment overlooking the Chew Valley. Access to the site is via the A37 at Clutton, onto the Stowey Road and then Nanny Hurn Lane, which also forms the southern boundary to the site. The site is bounded by agricultural land to the north, east and west with the nearest residential property approximately 250m to the west.

The site is a regionally important geological site and is within a groundwater source protection area. Nearby designations include the Mendip Hills AONB and the Chew Valley Special Protection Area.

The proposed development is for the restoration of Stowey Quarry using stable non reactive hazardous waste (SNRHW is the term used to describe waste where the leaching behaviour of the waste will not change adversely in the long term in the waste alone or under the impact of water, air, temperature, or by other wastes including leachate or gas) and inert wastes.

The SNRHW proposed at Stowey Quarry is asbestos. There are three main types of asbestos; chrysotile (white), crocidolite (blue) and amosite (brown). It is anticipated that the main form of asbestos to be disposed of at the site will be cement bonded asbestos, which would predominantly contain white asbestos, but may also contain small quantities of other types of asbestos. Any asbestos accepted on site would have to be handled in accordance with the regulations e.g. any non bonded asbestos would have to be double bagged and clearly labelled. The Environment Agency will not grant a permit unless they are satisfied waste will be handled in accordance with the regulations and will regulate the landfill to ensure compliance during operations.

The proposed development will also involve the processing of the quarry waste stockpiles that are currently on site with a crushing and screening plant in order to recover usable aggregate and for the remaining soils and clay to be used in the restoration of the site. It also provides for the creation of a screening bund along the western boundary of the site, limits vehicle movements to a maximum of 100 (50 in, 50 out) a day and limits the depth of the quarry to 150m AOD as required by the existing planning permissions for the site.

It is proposed to import up to 150,000 tonnes a year of waste over a ten year period. However the maximum void of the quarry is estimated at 430,000m³ which, based on a conversion factor of 1.5 tonnes to a m³, would require approximately 645,000 tonnes of material to infill the quarry. Therefore if the maximum infill rate of 150,000 tonnes a year were to be achieved the restoration would be completed in less than 10 years. Based on a 10 year life the site would receive an average of 65,000 tonnes a year. A conversion factor of 2 tonnes to a m³ would increase this to approximately 86,000 tonnes a year. It is therefore likely that actual tonnages into the landfill will be well below 100,000 tonnes a year over the proposed 10 year life, although it will also be necessary to import materials to construct the landfill cells themselves.

The landfill cells will be designed in accordance with Environment Agency Guidance and will not be able to accept waste until they have been inspected and signed off by the Environment Agency.

The base and walls of the landfill cells will be lined with a mineral liner (typically compacted clay). A permeable, flexible lining membrane will be placed on top of the mineral liner. These membranes are used in landfills across the country to prevent leachate from leaving the landfill cell. Each cell will also have a built in leachate extraction point to allow leachate to be drained to a collection tank. To avoid dispersion of asbestos fibres, the deposited waste shall be sprinkled with water and immediately covered with a 250mm layer of inert material and coverage of up to 1m of inert fill will be applied at the end of each working day. A dust and leachate monitoring scheme for the site will also be a requirement of the Environmental Permit.

A thick layer of clay is then placed on top of the waste to seal the cell. Inert fill, subsoils and topsoils are then placed on top of the clay.

The landfill would be filled and restored in a phased manner. Ten phases are proposed with the majority of the western part of the landfill being completed early in the process. In order to operate the landfill will also require an Environmental Permit from the Environment Agency which will contain strict guidelines for the handling and disposal of asbestos in accordance with the Control of Asbestos Regulations 2006 and the Hazardous Waste Regulations 2005.

The application also proposes to demolish the existing industrial building on the site which was used for cutting the quarried stone and replacing it with a much smaller portacabin to provide office and welfare facilities

Access to the site would be via the existing site access and concrete haul road. Wheel washing facilities will be installed.

Hours of operation would be 0700 to 1800 Monday to Friday and 0800 to 1300 on Saturdays with no operations on Sundays and Bank Holidays.

The site would be restored to a nature conservation/agricultural after use with access to a retained geological face in the north east corner of the site. Restoration contours would link into the part of the site previously tipped to a height of approximately 165m AOD and would slope down from 164m AOD to 154m AOD from south to north. Existing boundary vegetation would be retained and new planting is proposed together with a wetland area/pond.

The site is a long established quarry with planning permission first being granted in the 1950s but recently there has only been limited or no activity on the site. Planning permission (07/02328/var) was granted in 2008 to extend mineral extraction until November 2012 but it is understood that no extraction has been undertaken. At the same time a second permission (07/02326/minw) was granted for an inert recycling facility and restoration of the quarry using inert materials by November 2028. Limited operations in respect of creating an area of hardstanding and the formation of a proposed screening bund have been carried out but no recycling has occurred. Both these permissions are

subject to the same conditions which require restoration of the site by November 2028, the creation of a bund along the western boundary of the site, a limit of 50 lorries (100 movements) a day, a tonnage limit of 125,000 tpa and no extraction below 150m AOD. These therefore form the permitted baseline for the site.

The principle change from the approved restoration scheme is that this planning application proposes the total infilling of the quarry over a reduced timescale and the use of SNRHW as well as inert waste

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: No objections subject to conditions.

ENVIRONMENTAL HEALTH: No comments.

LANDSCAPE: No objection. The principle of the proposed restoration landform is considered acceptable but a more detailed landscape plan is required, so a detailed Landscape Management Plan should be submitted providing details of the proposed planting, wetland area, geological exposure and restoration afteruse details.

ECOLOGY: No objection. With the required Environmental Permit, and all necessary control measures being in place, which will be required before the site may become operational, it can be concluded that this proposal does not present a risk to the water quality of the lake. The risk of a "likely significant effect" on the SPA is excluded in relation to this project. The proposed biodiversity mitigation will prevent the overall loss of ecological interest and should be secured by condition prior to the commencement of the development.

NATURAL ENGLAND: No objection. Given that adequate information has been provided at this stage and that further work will be done in order to obtain the EA permit, concerns regarding hydrology are satisfied. The biodiversity mitigation recommended in the Environmental Statement should be required by condition requiring an Environmental Management Plan to be produced prior to the development commencing.

ENVIRONMENT AGENCY: No objections subject to a condition requiring a scheme for the provision of surface water drainage works being approved in writing by the Local Planning Authority prior to the commencement of development. We would expect a hydrogeological risk assessment to be prepared as part of the environmental permitting process.

BRISTOL WATER: Object, as we consider the proposals result in a material increase in risk to our water resource at Chew Valley reservoir. We consider proposals to develop a large scale waste facility close to a major water supply, SPA and SSSI inappropriate. There is no detailed analysis of groundwater gradients or flow paths or how future loading may affect groundwater flow in the future. Unclear on the nature and permeability of the landfill lining material and on how leachate will be handled and groundwater monitored. How will the site be engineered to control surface water and prevent contaminated run off. How will waste be sorted to remove non inert of contaminated material.

CLUTTON PARISH COUNCIL: Object due to the non existent provision of any improvement in the access/egress route through the village. The Stowey Road/A37

junction is already difficult at peak times and with this increase in HGVs there should be a major improvement of either a roundabout or traffic lights. The consequences of this congestion will be lorries seeking alternative routes along unsuitable minor roads. The environmental effects of either in terms of a spillage on surrounding roads or on the local water table and water courses has not been properly assessed

STOWEY SUTTON PARISH COUNCIL: Objects as this was not included in the West of England Joint Waste Core Strategy. There are concerns for water safety as springs feed into Chew Valley Lake. Also the road infrastructure is considered inadequate for the proposed levels of traffic which would use the site.

HINTON BLEWETT PARISH COUNCIL: Object on the grounds that run off from the site would contaminate the water courses that flow directly into Chew Valley lake and that if permission is granted can the access road with Stowey Hill be modified on highway safety grounds to cope with anticipated increase.

AVON WILDLIFE TRUST: the site is within an Avon Wildlife Trust Living Landscape area of interest and represents an opportunity to re-create a permanent wildflower meadow on the site. The Trust would be happy to advise further. Recommend that a reptile survey is carried out on site before development commences. Proposed ecological mitigation should be included in a legal agreement and the replacement wetland habitat provided during the operational phases of the landfill. Quarry faces should be surveyed for bats.

AVON RIGS GROUP: have been able to negotiate the retention of part of the existing quarry face which contain the best features and protect this area from future landfilling and securing access for groups wanting to visit the site. At this stage the Avon RIGS group is happy with what has been offered by the quarry owners.

At the time of writing this report 2 letters of representation had been received. The first letter is from the adjoining landowner who is concerned that the proposed restoration levels will be above the original level prior to quarrying which will appear anomalous with this part of the Mendip landscape and also whether the weight of the fill material may aggravate the problem of land slippage on the adjoining land to the north. The applicant has not properly considered alternative sites and there is no need for such a landfill, which undermines the case for supporting the application in its current form. Have been unable to identify the implications for ingestion of asbestos and the implications for livestock on the adjoining fields. Do not object to the principle of landfill but seeks reassurance that the development will not adversely affect his farming activities.

The second letter is from the nearest residential property which highlights a number of concerns/questions and comments they would like addressing as follows: lack of consultation from the applicant, will this lead to a widening of the use of the quarry until it can take putrescible material; is there a demand for this type of facility, reliability of current owner, monitoring of current conditions, depth limit for the quarry, will this replace the 2007 consent, where will topsoil come from, will conditions control the covering of waste and stockpiles, site is visible from the AONB, why are final levels higher than original ground levels, how many portacabins and how high, will a generator be used for power, 2007 permission has not been fully implemented and therefore there has never been the level of traffic proposed on the road a condition report will be vital, concerned about safety on the lane, confirmation that residents will not be at risk from asbestos particles, will

landscaping requirements be imposed, is the noise report accurate, will lighting be controlled, would like a temporary bund along the concrete access road, what controls on reversing beepers will there be, a wheelwash must be installed, can the 100 movements cover all types of vehicle, what steps to prevent lorries turning right, how will they prevent the site being over run by rats and rabbits, how will training of operatives be controlled, what is the basis for altering the end date for mineral extraction on the 2007 consent, why have conditions on the previous consents not been enforced, 2007 permission limits tonnage to 125,000 and 150,000 is now proposed, why the increase - applicant refers to average of 65,000 why cannot this be used, figures on capacity need verifying, restoration levels will create an artificial mound how do these differ from those permitted in 1998, will a 6m bund around screening equipment be constructed. If consent is to be granted it should be with a very full set of conditions with suitable incentives to ensure compliance. As the development will cause disruption and inconvenience to locals should they not make a contribution to local amenities.

POLICIES/LEGISLATION

WEST OF ENGLAND JOINT WASTE CORE STRATEGY 2011

Policy 8 on Landfill

BATH AND NORTH EAST SOMERSET LOCAL PLAN, INCLUDING MINERAL AND WASTE POLICIES, 2007 (the Local Plan):

WM1 and WM12 on waste management; ES.5 on Drainage; ES 9, 10 and 12 on pollution, nuisance, health and noise; ES14 on stability; NE1 and NE2 on landscape; NE9 and NE10 on ecology; NE13 on groundwater and NE14 on flooding; M9 and T24 on highways.

OFFICER ASSESSMENT

WASTE MANAGEMENT: The West of England Joint Waste Core Strategy (JWCS) advises that the SW region is broadly self sufficient in hazardous waste treatment capacity, however there is currently no disposal facility for the stable non reactive hazardous waste stream within the West of England sub region. As the West of England is considered to be a significant generator of this waste stream the provision of such a facility within this area would therefore contribute to a reduction in the waste miles this waste has to travel and would be considered to be the nearest appropriate facility in accordance with waste management policy. Given the lack of disposal facilities within the West of England there is therefore considered to be a need for this type of facility to meet the needs of the sub region. In respect of inert waste the JWCS identifies that inert disposal capacity is all but exhausted within the sub region but that there a number of quarries that will require such waste to secure their restoration. Stowey is considered to be such a quarry and the currently approved restoration scheme for the site relies on the use of imported inert material.

Policy 8 of the JWCS deals with landfill and requires that waste to be landfilled should not be capable of re-use or recycling which is the case for the proposed waste streams. In addition the quantity of waste should be the minimum required and secures the restoration of former quarries. Having regard to existing levels on the site and that the complete restoration of the quarry is proposed it is considered that the development complies with these requirements. It also requires that new schemes should not prejudice the restoration of existing sites but given the lack of disposal facilities within the West of

England this is not considered to be an issue here. The final requirement of policy 8 is that proposals should not be within water source protection areas or within the buffer zones of European sites except where the relevant legislative requirements can be met. Stowey is within such an area but later sections of this report on Ecology and Groundwater demonstrate how the necessary requirements are considered to have been met. The development is therefore considered to comply with policy 8 of the JWCS.

Policy WM1 of the Local Plan requires that proposals have regard to regional self sufficiency, the proximity principle and the precautionary principle as well as having no unacceptable impacts on the environment or local communities. As previously stated there is considered to be a need for such a facility within the sub region and it would reduce the distance this waste currently has to travel. In respect of the precautionary principle the proposed development will have to meet both the requirements of the planning and the environmental permitting system and the information submitted to date and the consultation responses received in my view satisfy the requirements of the planning system as no unacceptable impacts on the environment or local communities have been demonstrated. The development is therefore considered to comply with policy WM1.

Policy WM12 requires that landfill should only be permitted where it relates to mineral sites in accordance with approved restoration schemes. The currently approved restoration scheme for Stowey does not provide for the complete infilling of the quarry but given the lack of disposal facilities within the West of England it is considered appropriate to seek the complete infilling of the quarry to maximise the use of local voidspace and avoid exporting waste from the sub region. WM12 also requires that such waste should not be capable of re-use or recycling, that there is sufficient material available and the development is temporary, all of which the proposed development is considered to comply with. The development is considered to comply with policy WM12 and will become the approved restoration scheme for the quarry.

HIGHWAYS: Policy M9 requires that applications for minerals and waste development will only be permitted where the highway is adequate for the type and volume of traffic proposed or that it can be upgraded without harm to the environment. It also requires that alternatives to road are used unless they are not commercially or environmentally suitable. Policy T24 provides similar tests, requiring a high standard of highway safety for all road users and avoiding the introduction of excessive traffic on unsuitable roads. The existing planning permissions at Stowey currently have a limit of 50 HGVs a day (100 movements) and tonnage limits of 125,000tpa and 2,500tpw a week. The applicant is proposing to retain the 50 HGV a day limit but is proposing 150,000tpa with no weekly limit. Whilst the Highways Authority have no objection subject to conditions it is noted that many of the local concerns raised relate to traffic and the 50 HGVs a day should be regarded as a maximum to be achieved only during busy periods and not become the norm. It is therefore proposed to retain the existing tonnage limits of 125,000tpa and 2,500tpw to ensure that the daily average of incoming vehicles will remain below the 50 a day maximum Mondays to Fridays and 20 a day on Saturdays. It will also be a requirement that a road condition survey is carried out before the development commences to ensure that if there is any excessive wear to the highway as a result of this development it can be quickly identified and rectified at the expense of the operator. The site will also be required to install a wheelwash.

On the basis of these controls, improvements to the highway network are not considered necessary as the type and volume of traffic will be adequately controlled by condition. In respect of peak hour flows at the A37 junction it is a feature of waste development that it does not generate high peak hour flows and so adds very little to any congestion at these times. Having regard to the location of the site alternative forms of transport to road are not considered commercially viable. The development is therefore considered to comply with policies M9 and T24.

POLLUTION, NUISANCE, NOISE AND HEALTH: Policy ES9 deals with pollution and development will not be permitted where it poses an unacceptable risk of pollution. Because this is a waste management development it is important to understand the relationship between the planning system controlled by the Council and the pollution control system administered by the Environment Agency. This is because the development will require both a planning permission from the Council and an environmental permit from the Environment Agency in order to operate. An environmental permit cannot be issued until planning permission is granted and in addition Government policy advises (PPS23) that planning permissions should not seek to duplicate the controls that can be imposed by the environmental permit and that they should determine planning applications on the basis that the requirements of the environmental permitting system will be properly applied and enforced by the Environment Agency. Given the nature of the proposed waste stream there is also additional legislative requirements on how it should be managed to ensure that people and the environment are adequately protected. The environmental permit will control such matters as the specification of the landfill lining material and the management of leachate and other emissions from the landfill and comprehensive waste handling protocol and monitoring schemes will also be a requirement. It is noted that the Environment Agency has no objection in principle to this development and a permit will not be issued unless and until the Environment Agency are satisfied that there will be no risk of adverse pollution effects on the environment or communities. Based on the information received to date it is therefore considered that the proposed development does not pose an unacceptable risk of pollution and it therefore complies with policy ES9.

Policy ES10 deals with air quality including dust, odour and health. Because of the nature of the waste concerns have been raised over possible health impacts, however, as stated above there are specific regulations covering the management of this waste stream and as landfill is the only option available for this waste the requirements of legislation and the environmental permitting system have been designed to minimise these effects. A comprehensive study of the health impacts of waste management facilities has been carried out by the Government and this concluded that they present a minimal risk to health when compared to the many day to day risks that people face and that there is no evidence of any unacceptable health impacts as a result of waste management facilities. An outline of asbestos handling procedures was provided within section 5 of the planning, design and access statement which provided a general overview of acceptance and tipping procedures. What should be emphasised is that as part of the Environmental Permit application process, the site operator will have to submit a detailed method of working statement. The Environment Agency will not issue a permit unless they are satisfied that such procedures are appropriate and comply with legislation and will not result in unacceptable impacts on air, land or water. The site would be regulated and inspected by the Environment Agency during operations.

As previously stated landfill is the only disposal option for this waste stream and the monitoring results of similar landfills elsewhere in the country demonstrate they have no adverse impacts on air quality. There is therefore considered to be no evidence to support the view that these facilities have an adverse impact on health of people or animals. In respect of dust a management plan to be controlled by condition has been provided and because of the nature of the waste stream it will not generate any adverse odours. The development is therefore considered to comply with policy ES10

Policy ES12 deals with noise and vibration and existing conditions already set appropriate noise limits at the nearest property, require that it is monitored on a regular basis and no blasting is permitted. Whilst no comments have been received from the environmental health officer on this scheme, they have previously accepted the proposed conditions as providing an acceptable level of control. The development is therefore considered to comply with policy ES12.

DRAINAGE: Policy ES5 deals with surface water drainage and requires that development should not be permitted where there is inadequate surface water infrastructure and it would result in surface water problems off site. Foul drainage is only required for the site offices and leachate management from the landfill will be controlled by the Environment Agency via the Environmental Permitting system. The Environment Agency has also recommended a suitably worded condition to manage surface water drainage and have no objections to the proposed development. It is therefore considered to comply with policy ES5.

LANDSCAPE: Policy NE1 requires that proposals conserve or enhance the character and local distinctiveness of the landscape and representations have commented that as the proposed landform will be above the original ground contours it will not be in keeping with the local area. The landscape officer has no objections in principle to the proposed landform and it will achieve the complete restoration of the site. Previous historic tipping at the site has left levels of 165mAOD and the proposed development goes no higher than this. Instead it seeks to tie in with this level and then slope down to the north. This will result in a landform that is higher than the surrounding land but it is not considered to be out of character. The proposed 6m high bund along the western boundary has previously been approved as part of the existing planning permissions for the site and is considered necessary to screen the operations from the nearest property. It will be removed as part of the final restoration of the site to a nature conservation/agricultural after use and detailed landscaping and restoration conditions are proposed to achieve this. Having regard to the need to restore the quarry and the current levels on the site the proposed contours are considered to create an acceptable landform and are in accordance with the requirements of policy NE1.

At Development Control Committee on the 8th June 2011, the issue of a bond to ensure funds were available to restore the quarry was raised. However, it is a condition of every landfill permit (issued by the Environment Agency) to have a bond / legal agreement for the restoration and aftercare of the landfill. Therefore, there is no requirement to seek a bond as part of the planning permission as this would be duplicating control.

Policy NE2 of the local plan seeks to prevent adverse impacts on the AONB and whilst the proposed development will be visible from the nearby AONB it is not considered to have

an adverse impact on it and in the longer term it is considered that the restoration of the site will improve views from the AONB.

STABILITY: Policy ES14 deals with unstable land and requires that development does not adversely affect the stability of the site or adjoining land. Representations from the adjoining landowner have raised the concern of potential impacts on their land from both the existing quarry and the proposed landfill. In respect of the current operations this has previously been investigated and no evidence has been provided to demonstrate that the quarry is adversely affecting adjoining land. In respect of the proposed landfill a stability risk assessment will be required as part of the Environmental Permitting process and having regard to the proposed contours and cross sections it is considered that a long term stable landform is being proposed with no excessively steep slopes. There is no evidence that the proposed landform will adversely affect adjoining land and there are adequate safeguards to prevent this. The development does not therefore conflict with policy ES14.

ECOLOGY: In respect of ecology the site is a regionally important geological site and therefore covered by policy NE9 of the Local Plan. However discussions between the applicant and the local RIGs group have secured the preservation of a section of the quarry face as part of the proposed restoration scheme. The development is therefore considered to comply with policy NE9 and the proposed after use and landscaping will provide additional benefits for ecology in the area.

The site is also within 2km of the Chew Valley reservoir which is a designated European site of nature conservation importance and the Council is required by legislation to consider whether the proposed development is likely to have a significant effect on the nature conservation interest of this designation. The Ecology officer has confirmed that with the required Environmental Permit, and all necessary control measures being in place, which will be required before the site may become operational, it can be concluded that this proposal does not present a risk to the water quality of the lake.

The risk of a "likely significant effect" on the SPA is excluded in relation to this project. Natural England are also satisfied that the proposed development will not have a significant adverse effect on the Chew Valley Special Protection Area (SPA) and SSSI.

GROUNDWATER: Policy NE13 deals with the protection of groundwater and development within source protection areas will need to demonstrate that it will not have an adverse impact. Bristol Water has objected to the proposed development because of the proximity of the site to Chew Valley, which is a public water supply and the lack of information contained within the application. Additional hydrogeological information has been submitted by the applicant which is considered to demonstrate that an adverse impact is unlikely given the nature of the proposed waste stream (it is inert and stable and not readily decomposable so will not generate significant quantities of leachate) and the fact that the site is geologically separated from Chew Valley by in excess of 100m of mudstone sequences. The report makes the following conclusions:

- Chew Valley Lake is considered at negligible risk of pollution due to the large vertical thickness (approximately 100 m) of mudstone strata between the site and the Lake;
- Groundwater flow at the site is likely to still be northeastwards away from the Lake;

- The spring source of the Barelegs Brake is located on the upgradient side of the site and therefore considered at low potential risk;
- There are no apparent springs supported by groundwater in the Lias Limestone strata in the immediate vicinity of the site. The closest potential springs considered at potential risk are located some 900 m northeast of the site (to be assessed quantitatively in due course); and
- The likelihood that a significant volume of leachate could escape the engineered landfill, flow downgradient to the groundwater discharge zone and subsequently flow downstream into the Chew Valley Lake is considered very small (to be assessed quantitatively in due course).

Bristol Water maintain their objection despite the additional information but it is noted that the Environment Agency, as the relevant pollution control authority, has consistently had no objections to the proposed development and as part of the environmental permitting system a further hydrogeological risk assessment will be required. Therefore based on the information provided to date it is considered that the proposed development complies with policy NE13.

FLOODING: Policy NE14 deals with flooding but the development is not within a flood risk area and is not considered to increase the risk of flooding elsewhere. Therefore subject to a condition to manage surface water run off there is no conflict with policy NE14.

OTHER MATTERS: Representations have also made reference to the identity of the proposed operator, the reliability of the current owners and previous non compliance with conditions at the site. However as planning permissions run with the land the identity of who may operate the site is not considered relevant, as who ever operates the site will have to comply with the proposed conditions. The enforcement of conditions will be a matter of judgement if or when a breach may occur and is not an automatic action. The Council will continue to monitor and take what actions it considers necessary at the site. The proposed conditions do however provide a comprehensive means for regulating future activities at the site and additional contribution to local amenity are not considered to be necessary. With regard to concerns expressed about the site subsequently taking a wider range of wastes this would require an entirely new planning application which would be considered on its merits if it were ever submitted but it is not considered relevant to the determination of this application.

CONCLUSION: The proposed development will meet a need for landfill capacity within the sub region and reduce the need to export waste from the sub region. The information submitted in support of the planning application has been considered and meets the requirements of the relevant planning policies which together with the additional requirements of the environmental permitting system administered by the Environment Agency are considered to provide adequate safeguards to prevent any unacceptable impacts on the environment or local communities. It is therefore considered that no significant effects are likely on the Chew Valley European site and that planning permission be granted.

RECOMMENDATION

PERMIT subject to condition(s)

CONDITIONS

1 No development shall commence until a highway operational statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

- Routing arrangements for vehicles entering and leaving the site and details of the proposed penalties for drivers who do not follow the approved route; and
- A road condition survey from the site access to the junction with the A37.

Upon receiving approval the scheme shall be implemented and maintained for the life of this permission.

Reason: To enable the Local Planning Authority to monitor the condition of the highway and approved routes.

2 The permission hereby granted shall be limited to a period expiring on the 31 July 2027. The site shall be restored in accordance with the approved scheme by the 30 November 2022; and the aftercare period will be completed by the 31 July 2027.

Reason: To ensure the site is restored within a reasonable timescale.

3 The site shall be operated in accordance with the approved scheme, which shall consist of the following:

- Drawing numbers 205/126/02 rev B date stamped 10 December 2010; 205/126/03 rev A date stamped 6 January 2011; 2055/126/04 rev A date stamped 10 December 2010; 2055/126/05 rev A date stamped 10 December 2010; 2055/126/06 date stamped 10 December 2010; 2055/126/07 rev A date stamped 4 March 2011; 2055/126/08 date stamped 10 December 2010; 2055/126/10 date stamped 6 January 2011; 2055/126/11 dated 17 February 2011; and 2055/126/12 dated 4 March 2011.;
- The Planning Design and Access Statement version 1.4 dated 21 March 2011 ref 2055-126-B;
- The Environmental Statement version 1.3 dated 21 March 2011 ref 205-126-A;
- Response to comments received up to 21 March 2011 on Application 10/05199/minw version 1.0 dated 21 March 2011 ref 205-126-G;
- Details required by conditions 1,5, 7, 16,18 and 34.
- Letter from Richard Sims of Oaktree Environmental Ltd to Chris Herbert dated 6th May 2011 Ref 2055-126-013RS.

Reason: To enable the Local Planning Authority to properly control the development and to minimise its impact on the amenities of the area.

4 The site shall be restored in phased manner in accordance with the following timetable:

- The perimeter bund as shown on Drawing 2055/126/11 dated 17 February 2011 shall be completed prior to the construction of Phase 1 of the landfill as shown on Drawing 2055/126/07 Rev A dated 4 March 2011;

- No placement of waste within phase 3 to commence until phase 1 has been restored, no placement of waste in phase 4 until phase 2 has been restored, no placement of waste in phase 5 until phase 3 has been restored, no placement of waste in phase 6 until phase 4 has been restored, no placement of waste in phase 7 until phase 5 has been restored, no placement of waste in phase 8 until phase 6 has been restored, no placement of waste in phase 9 until phase 7 has been restored and no placement of waste in phase 10 until phase 8 has been restored; and
- Final restoration in accordance with Drawing 205/126/05 Rev A date stamped 10 December 2010 to be completed by the 30 November 2022.

Reason: To minimise the impact of the development on the amenities of the area.

5 No development shall commence until an Ecology and Landscape Mitigation and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- The bund along the western boundary of the site access road;
- The creation of the wetland area;
- The creation of a wildflower meadow upon restoration of the site;
- The retention and management of the area of ruderal vegetation as shown on Drawing 2055/126/05 rev A date stamped 10 December 2010
- The management and public access to the retained geological face (RIGS section) shown on Drawing 2055/126/05 rev A date stamped 10 December 2010
- The protection and management of existing vegetation to be retained;
- The proposed planting of native tree and hedgerow species (including numbers, size, species, spacing and fencing) as shown on Drawing 2055/126/05 rev A dates stamped 10 December 2010 and on the proposed screening bund as shown on Drawing 2055/126/11 dated 17 February 2011; and
- A timetable for the implementation of the above works and for its ongoing management for the life of this permission.

Reason: In the interests of the visual and ecological amenities of the area.

6 There shall be no extraction below 150m AOD.

Reason: To retain control over the size of the void to be landfilled.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending, revoking or re-enacting that order no fixed plant or machinery, buildings, structures, floodlights or spotlights shall be erected, extended, installed or replaced until details of the construction, cladding, colour, plans and elevations have been agreed in writing by the Local Planning Authority.

Reason: To retain control over the approved development in the interests of the amenities of the area.

8 The total amount of inert and stable non reactive hazardous waste, landfill lining material and recycled aggregates and soil imported to and exported from the site, as approved under this permission (10/05199/MINW) and planning permissions 07/02326/MINW and 07/02328/VAR, shall not exceed when combined a maximum of 2,500 tonnes a week and 125,000 tonnes a year and 100 vehicle (excluding cars) movements (50 in and 50 out) a day on Mondays to Fridays and 40 vehicle (excluding cars) movements (20 in and 20 out) a day on Saturdays.

Reason: In the interests of highway safety and to protect the amenities of the area.

9 The operators shall maintain records of the weekly imports and exports of material and vehicle movements as approved under planning permissions 07/02328/VAR, 07/02326/MINW and 10/05199/MINW and shall submit them to the Local Planning Authority on a quarterly basis for the first two years from the date of this permission, after which the frequency will be reviewed. All records shall be kept for at least five years.

Reason: To enable the Local Planning Authority to monitor the imports and exports from the site.

10 Only lias limestone and recycled aggregates shall be removed from the site. All other materials shall be retained for use in the restoration of the site. Stockpiles of recycled aggregate or restoration materials shall not exceed 5 metres in height.

Reason: To ensure that sufficient material to restore the site in accordance with the approved scheme and timescales.

11 No mineral shall be imported to the site for processing or treatment.

Reason: To prevent the need for additional processing plant and machinery which may adversely affect the amenities of the area.

12 No refuse, waste or similar materials originating from outside the site except inert and stable non reactive hazardous waste material shall be stockpiled, or deposited on the site. Stockpiles of inert waste shall not exceed 5 metres in height.

Reason: To enable the Local Planning Authority to adequately control the development and to minimise the risk of pollution to water courses and aquifers.

13 There shall be no de-watering or pumping of the site unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect the hydrology of the surrounding land.

14 No operations shall take place except between the following hours:

0700 to 1800 hours Monday to Friday;
0800 to 1200 hours Saturdays; and
No operations on Sundays or Public Holidays.

Reason: To minimise disturbance to the surrounding area.

15 No explosives shall be used on site.

Reason: In the interests of the amenities of the area.

16 No development shall commence until a scheme for the provision of surface water drainage works has been submitted and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved drainage works shall be completed in accordance with the details and timetable approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

17 Any above ground oil/chemical storage tanks shall be surrounded by an impervious bund and integral base with a retention capacity of at least 110% of the largest tank within the bunded area. There shall be no working connections outside the bunded area.

Reason: To minimise the risk of pollution to water courses and aquifers.

18 Any external generators used on the site shall be housed within a sound proofed structure, the design and location of which shall be approved in writing by the Local Planning Authority prior to the generator being used.

Reason: To protect the amenities of the area.

19 Noise levels arising from the site shall not exceed a level of 46 dBA LAeq (1 hour) freefield at Hill View House.

Reason: To protect the amenity of local residents

20 Noise levels arising from the development shall be monitored as follows:

- Upon commencement of the development noise levels shall be monitored once a month, at a time to be determined by the LPA, for the first six months at Hill View House. Thereafter, if no breaches have been recorded, monitoring shall be undertaken on an annual basis. If breaches have occurred monitoring shall continue on a monthly basis until a period of six months has passed with no breaches.
- If the noise limit in condition 19 is breached operations on site shall cease immediately until measures to comply with the noise limit have been implemented.

Reason: To ensure the development complies with condition 19.

21 All plant, machinery and vehicles used on site shall be fitted with effective silencers and maintained in accordance with the manufacturer's specifications.

Reason: To protect the amenity of local residents.

22 All vehicles used on site shall only be fitted with a broadband/white noise type of reversing warning system. No vehicle horns shall be used on site.

Reason: To protect the amenity of local residents.

23 Dust emissions from the site shall be controlled in accordance with the dust management plan at Appendix 5 of Document Ref.2055-126-A dated 21st March 2011 for the life of this permission.

Reason: To protect the amenities of the local area.

24 No access to the site shall be used other than that at OS grid reference ST 5985 5863.

Reason: In the interests of highway safety.

25 The concrete site access road shall be maintained in a good state of repair and free from mud, dust and other debris at all times until the completion of the site restoration and aftercare.

Reason: To prevent the deposition of mud or dust on the public highway in the interests of highway safety.

26 No development shall commence until details of the proposed wheel wash and its installation date have been submitted to and approved in writing by the Local Planning Authority. Once installed the approved wheel wash shall be maintained in good working order and be used by all vehicles leaving the site for the life of this permission.

Reason: To prevent mud and dust being deposited on the public highway in the interests of highway safety.

27 All loaded lorries entering and leaving the site shall be adequately sheeted to secure their loads.

Reason: In the interests of highway safety.

28 A sign shall be erected and maintained at the site exit for the life of this permission instructing drivers to turn left out of the site and proceed to the A37 at Clutton.

Reason: In the interests of highway safety.

29 No movement of soils for restoration purposes shall occur other than during the months of April to October, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain the condition of soils used for restoration.

30 Existing top and subsoil stored on the site shall be retained on site and only used for reclamation purposes.

Reason: To ensure that there is adequate soil available for restoration purposes.

31 The final restoration levels, including the final layer of soil, shall conform to the contours shown on Drawing 2055/126/05 rev A date stamped 10 December 2010.

Reason: In the interests of the visual amenities of the area.

32 During the life of the permission all planting shall be examined on an annual basis and any failures shall be replaced in the current or next planting season, whichever is the earliest.

Reason: To ensure the successful establishment and ongoing maintenance of the planting in the interests of the visual amenity of the area.

33 Following the replacement of soils, they shall be examined to determine the fertiliser, lime and management required to bring the soil back into a condition suitable for supporting a wildflower meadow.

Reason: To ensure the site is returned to a condition capable of creating a wildflower meadow.

34 Ecological/agricultural aftercare shall be carried out for a five year period following restoration of the site in accordance with a scheme that shall be submitted to the LPA for approval in writing by the 31 July 2012. The matters to be covered in this scheme shall include:

- Notification of the completion of restoration and entry in to the after care period;
- Cropping pattern and grassland management;
- Cultivation practices;
- Remedial treatments;
- Field drainage;
- Arrangements for an annual inspection visit to assess progress and agree any remedial action that may be required; and
- Submission of a detailed annual programme of works four weeks prior to the annual inspection referred to above.

Reason: To ensure the satisfactory aftercare of the site.

PLANS LIST: 205/126/02 rev B date stamped 10 December 2010; 205/126/03 rev A date stamped 6 January 2011; 2055/126/04 rev A date stamped 10 December 2010; 2055/126/05 rev A date stamped 10 December 2010; 2055/126/06 date stamped 10 December 2010; 2055/126/07 rev A date stamped 4 March 2011; 2055/126/08 date stamped 10 December 2010; 2055/126/10 date stamped 6 January 2011; 2055/126/11 dated 17 February 2011; and 2055/126/12 dated 4 March 2011.

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO

Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

Reasons for Granting Permission:

- 1) The decision to grant permission has taken account of the Development Plan and is in accordance with the policies set out in A below.
 - 2) The development is not considered to have an adverse impact on the ecology, landscape, amenity or character of the area. It is not considered to have any unacceptable stability, groundwater, flood, drainage, pollution, nuisance, noise or health impacts
- A) The proposed development accords with policy 8 of the Joint Waste Core Strategy and policies WM1 and WM12 on waste management; ES.5 on Drainage; ES 9, 10 and 12 on pollution, nuisance, health and noise; ES14 on stability; NE1 and NE2 on landscape; NE9 and NE10 on ecology; NE13 on groundwater, NE14 on flooding and policies M9 and T24 on highways of the Bath and North East Somerset Local Plan, including mineral and waste policies, as adopted October 2007.

Item No: 02
Application No: 11/00768/FUL
Site Location: 4 James Street West, City Centre, Bath



Ward: Kingsmead **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Douglas Nicol Councillor A J Furse
Application Type: Full Application
Proposal: Construction of new hotel of 108 bedrooms with ancillary bar, restaurant, guest drop-off area, disabled parking, cycle storage, enclosed service bay and plant area following demolition of all existing buildings at 4 James Steet West/1(a) and 2 Kingsmead North
Constraints: Agric Land Class 3b,4,5, Article 4, British Waterways, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: MDN Properties (Bath) Ltd
Expiry Date: 8th June 2011
Case Officer: Mark Reynolds

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The Development Manager considers that the application should be considered by the Committee and the application has been called to Committee by Cllr Andrew Furse and Cllr Paul Crossley.

DESCRIPTION OF SITE AND APPLICATION: This application forms one of two applications reported to this committee for the redevelopment of this site. The other corresponding application on the site is for conservation area consent for the demolition of the existing buildings (reference: 11/00779/CA).

The application site is located within Bath City Centre at the intersection of James Street West and Kingsmead North. The existing building has two commercial storeys over the majority of its frontage but also includes a section which is the same height but has reduced floor to ceiling heights incorporating three storeys. Towards the rear of the site the building steps down in height to a single storey comprising a currently vacant warehouse, light industrial unit and car parking area. The building at the frontage was constructed originally as a wholesale fruit and vegetable warehouse but is being used for retail and ancillary storage purposes and as a single flat.

The application site is 0.12 hectares in size. The site is located within the city centre of Bath at the junction of James Street West with Kingsmead North. The large cinema complex is located immediately to the west and the bomb damaged grade II listed former labour exchange is to the east. To the rear of the site lies the tall blocks of flats forming Kingsmead Court, and three and four storey houses lie to the east side of Kingsmead North.

The application site is located within the Bath Conservation Area and the World Heritage Site and within the setting of grade II listed buildings. The site is also located within flood zone 2.

This is a full planning application proposing the erection of a five storey building. The building footprint would cover the entirety of the application site. At ground floor a reception area is proposed at the front of the hotel with James Street West set behind a colonnade. A bar, restaurant would also be located on the ground floor and a back of house area would be provided to service these uses. To the rear of the building a one way vehicular access through the building is proposed for servicing and drop-offs. The upper four floors are comprised entirely of bedroom accommodation with access from lifts and stairs and a linen room on each floor. The fourth floor would be setback behind a parapet. The level of setback would be greatest at the front and the rear of the building with a reduced setback along Kingsmead North. The building would have a flat roof over the top penthouse style storey.

The public elevations of the building are proposed to be clad with Bath stone with drips and banding detailings also to be undertaken in Bath stone. The building is arranged above ground floor level to have two areas of void set behind the public face of the building. These voids are required to allow light into the bedrooms which are proposed behind the frontage of the building. These areas would not be publicly visible but they are proposed to be clad in render. The side elevation (onto Kingsmead North) incorporates two large curtain walled glazed sections which break up the elevation. The top penthouse

floor would likewise be glazed. The building's fenestration would have powder coated aluminium frames.

The application is supported with a design and access statement; transport assessment; draft travel plan; planning statement; Flood Risk Assessment; PPS 25 sequential test; noise impact assessment; energy/odour/acoustics and low carbon report; archaeological assessment; bat survey; economic report; statement of community involvement; guest travel mode survey paper and plant noise assessment. It is considered that the development does not represent EIA development.

RELEVANT PLANNING HISTORY:

11/00779/CA: Demolition of all existing buildings at 4 James Steet West/1(a) and 2 Kingsmead North: Pending consideration

09/04635/FUL: Change of use from ancillary retail to martial arts training centre and gymnasium (Use Class D2) at first floor level: Permitted 23.02.10

07/00045/FUL: Subdivision of No. 4 James Street West and change of use from retail (A1) to Retail and/or Warehouse (A1/B8) and/or Light Industrial (B1(c)): Permitted 02.03.07

12836: Alterations to existing workshop: Permitted

12292: Erection of a workshop and the covering of front area with tarmacadam: Permitted

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT OFFICER: Advises that there is no in-principle objection to the development of a new hotel in this location, which is accessible and therefore sustainable in travel terms, being central to all local amenities, very convenient for public transport, and benefiting from local pedestrian and cycle links. The principle of a car-free development is therefore acceptable and is in accordance with local and national policy.

There will be a proportion of guests who prefer/need to travel by private car. The potential however for this to affect adjacent streets is minimal given the lack of on-street parking available due to restrictions limiting any parking either to residents-only, or to short-term waiting.

He notes the intention is to allow customers to drop-off passengers and luggage within the service area, which will reduce further the need for short-stay parking on-street in the locality. Notwithstanding this, the ability to travel directly to the hotel by car must not be promoted at any level as this has the potential to undermine the car-free principle of the development.

Surveys carried out by this Authority show that public car parks have spare capacity at certain times of the day and week, especially overnight, and there is therefore the capacity to accommodate that proportion of guests who might choose to drive. The hotel will not be entitled to apply for parking permits for staff or visitors. Based on the experience of the operator at other locations, deliveries to the hotel are estimated at 10 visits per week. This suggests minimal activity on a daily basis and raises no significant concerns over the appropriateness of Kingsmead North to accommodate these vehicles. While an alternative

occupier may generate increased servicing requirements, it remains the case that even a 100% increase over a typical week would not amount to a significant impact. This view is reinforced by the fact that the existing uses generate a level of activity in respect of servicing at present.

Notwithstanding this, an Operational Statement will be required to manage deliveries and restrict servicing times as necessary, in order that the situation can be monitored and controlled, as much for the amenity of residents as for reasons of road safety/capacity.

In terms of timings, servicing should be restricted to a weekday period of 08.00 to 18.00, as per other permissions in the area. He notes the intention to provide disabled parking on site. Whilst this is minimal, it is in accordance with Local Plan standards and will be sufficient if managed correctly. This should also be referred to in the Operational Statement.

The proposed parking provision is low, as befits a city centre site, whilst making provision for the disabled and the operational needs of the development. This combined with the proposed cycle parking facilities and drop off point for taxis and coaches will encourage the use of sustainable means of travel to and from the site whilst minimising the potential impact of traffic. He notes the provision of showering and changing facilities which are welcomed.

In accordance with the 'Planning Obligations' SPD, the developer is required to contribute toward strategic transport measures in order to promote and encourage alternative travel use, in addition to any specific measures identified. This calculation is based on the number of multi-modal trips generated by the site. He advises that having negotiated the S106 contributions that a strategic highways contribution will be required of £11,665 and a sum of £7,500 for improvements to public transport infrastructure.

He advises that no highway objection is therefore raised subject to conditions.

HISTORIC ENVIRONMENT TEAM: Advise that the wider context of the site requires that a sensitive form of redevelopment would be needed. The immediate pattern is varied but clearly falls within the overall context of the dominant Palladian architectural style of the city. In a locality of mixed character, there is an opportunity for a new building to be visibly of its own time, but it is important that it should also strengthen local distinctiveness.

As regards the overall scale, bulk and massing the proposed building would have five storeys above ground. These would not significantly challenge the Kingsmead Court flats, the cinema complex or some of the other bulky modern buildings in James Street West. The hotel would be significantly more dominant than the existing warehouse and will be appreciably higher than the labour exchange and houses in Kingsmead Terrace. However, the apparent mass of the new structure is restricted by the set back of the top floor at the front and rear facades to create a penthouse roof is important. Also, the provision of giant first floor windows, suggesting a piano nobile, in fact disguises two internal floor levels. The east façade of the hotel block will be visually separated by the division into three 'villas' divided by elements of curtain wall glazing. The curved ground floor footprint at the road junction would echo the old labour exchange. The service yard exit opposite Kingsmead Terrace is not ideal but is certainly no worse than the current arrangement.

Kingsmead Square is an important nodal point in the city and its informal layout could be enhanced by the provision of a more impressive replacement of the warehouse. The architectural style proposed, which can be regarded as having some affinity with the site's wider setting without slavishly imitating traditional construction, could achieve that objective.

The architectural proportions of the proposed building are not strongly rooted in the classical tradition but simple parapets, copings and plat bands serve to give a traditional articulation. The proposed use of external building materials including natural Bath stone walling in combination with powder coated aluminium frames to the fenestration and glazed walling would seem to be an appropriate response to the context.

He suggests that the impact of a new hotel on established and proposed hotels elsewhere in the city should be considered. Noting that planning permissions have recently been issued for the former King Edwards School and an outstanding commitment towards the (Gainsborough) hotel at the former Technical College in Beau Street. Both the latter schemes involve the conversion and restoration of properties on the Council's listed buildings at risk register. It is important that nothing should be done to prejudice the implementation of these schemes. He notes however that there are of course, strong limitations on the influence that the Council can have on this matter and he is inclined to think that the current proposal for a named operator is unlikely to provide direct and unacceptable competition.

In the event that planning permission is granted he would ask that consideration is also given to the imposition of conditions requiring the approval of large scale details of the columns, lighting, flooring and soffit materials forming the proposed colonnade in order that there can be careful control over the interface with the public realm.

He comments in respect of the revised drawings that these incorporate minor improvements to the external appearance particularly the elevation fronting Kingsmead North. The penthouse structure facing James Street West has however been pulled forward, closer to the front parapet. Whilst this is not unacceptable in itself by matching the exact height of the adjacent cinema, and there being no intervening space, the illusion of a very long and dominant horizontal flat roof will be created. The extension of the high level, horizontal feature running down a good length of James Street is unfortunate.

Overall, the proposed hotel should establish a more suitable presence on the frontage to Kingsmead Square and is sufficient for a positive recommendation to be tendered in respect of the application to demolish the existing buildings.

URBAN DESIGNER: Advised in respect of the original drawings that it was largely satisfactory in relation to mass, scale, use and its amount subject to detailed points. The accompanying design and access statement demonstrates an appreciation of city and local context and the relationship with neighbouring buildings and uses. Raised some detailed points around roofscape, parapet, colonnade and the frontage of the development.

Advises that in respect of the revised plans that the scheme is now considered to be satisfactorily designed and that it would enhance the Bath conservation area and protects

the World Heritage Site. The proposal is considered to be of an appropriate mass and modulation for the site, with an architectural treatment that would make it an appropriate background addition to James Street West and sensitive to neighbours to the east. The proposed land-use would compliment James Street West. Servicing and parking to the rear will neighbour residential properties, but replaces existing service areas behind the current building.

Comments that the roof structure has been amended to incorporate a setback for the glazed top storey in between the villa elements. This gives clearer differentiation between the penthouse roof above the dominant Bath stone fronted villas. This significantly improves the prominence, separation and three dimensional qualities of the three villa elements and reduces the visible glazed links to three storeys. It is now an acceptable approach.

The amendments to the design of the colonnade columns has been improved enhancing the appearance of the James Street West frontage. The introduction of a ramp under the colonnade to raise floor levels would be unfortunate.

The applicant has submitted details of the glazing systems. Two specifications are proposed to further differentiate the glazed link panels and the penthouse element. This approach is considered acceptable but samples should be secured by condition.

ENGLISH HERITAGE: Originally advised that they had no objection in principle to the proposals, subject to the resolution of outstanding design issues. Advise that the site lies in the Bath conservation area and World Heritage Site in a part of the city which has seen much late C20 change and where potential exists to recreate lost townscape character. They therefore have no objection to the redevelopment of the site, which also provides an opportunity to inject vitality and interest into the area. On this basis they have no objection in principle to a hotel use.

Advise that the design as a single use coherent building therefore needs to establish a presence on James Street West as well as a response to the more domestic and intimate context of Kingsmead North. The site can accommodate contemporary architecture however its location precludes a 'statement' building. The side elevation is perceived as a series of blocks linked by recessed full height glazing with a setback top floor providing a unifying theme. Perpendicular parapets reinforce the notion that what is a single building should be seen as a composite solution.

However having the glazed links on the same building line as the top floor gives rise to the impression that the masonry blocks are no more than cladding. The glazed top storey may need further refinement.

They have commented on the revised drawings that they are not clear how the amendments have addressed their design concerns. They reiterate the desirability of addressing the comments they previously made whilst at the same time noting that they have no objection to the broad concept in terms of height, massing and essential concept and are content to leave the timing and manner of the resolution of any outstanding issues to the Council's discretion. They recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist advice.

CONTAMINATED LAND OFFICER: Conditions are requested to investigate any possible ground contamination and secure, if required, a remediation scheme and monitoring thereafter.

ENVIRONMENTAL HEALTH TEAM: Advise that the applicant has submitted a plant noise assessment and a condition is required in respect of plant noise. Advise that guidance on odour emissions from the development should follow the requirements of the DEFRA code of practice on the control of odour and noise from commercial kitchen exhaust systems. Advise that there is a lack of detail to demonstrate that external lighting will comply with the Institute of Lighting Engineer's (ILE) guidance. They therefore request that a light spillage assessment be submitted to demonstrate that the ILE guidance will be adhered to and that there will not be unacceptable levels of light trespass to sensitive receptors.

ENVIRONMENT AGENCY: Advise that following confirmation that the sequential test has been passed they raise no objections to the development subject to conditions.

PARKS AND GREEN SPACES: A contribution towards open space provision is required of £8,236.08.

ARCHAEOLOGIST: It is noted that roman industrial and building debris was found on the neighbouring cinema site during its development and that some historic building remains (walls) exist on the current application site. There is a possibility that pockets of significant archaeology may survive on the site and an archaeological watching brief should be maintained during construction. Furthermore the historic walls on the site may not be worthy of preservation but they should at least be recorded before demolition.

HIGHWAYS DRAINAGE: Advise that they are now happy with the calculations for attenuation volume.

WESSEX WATER: Advise that following water main capacity modelling there is no need for off-site reinforcement. They have not raised objections to the development.

BRITISH WATERWAYS: Advise that after due consideration they have no comments to make.

OTHER REPRESENTATIONS / THIRD PARTIES

MEMBERS:

CLLR: PAUL CROSSLEY: Advises that the application should be refused. The development will add considerably to the traffic problems of this area generated by the cinema, Wetherspoons and other pubs and Green Park hotel. There is also extra development at the technical college and the Gainsborough hotel.

The proposals drive a coach and horses through the VAS which maps out levels of growth that have already been exceeded. Growth of budget hotels runs the risk of attracting 'Hen and Stag' type clientele which is not suitable for Bath.

The residential amenity of residents in the various blocks of flats in this area will be severely impacted. The increased hotel accommodation will have a negative impact on Bath's World Heritage Status. If the recommendation is to permit then he requests that it should be heard in public by the Development Control Committee.

CLLR ANDREW FURSE: Comments that he has major concerns with the site since it will add to deliveries and traffic into Kingsmead North adding to the Green Park hotel traffic, the cinema and Wetherspoons. Planners need to undertake a traffic impact study for all 3 hotels plus the Gainsborough. He comments that hotel room capacity in the vicinity would be beyond saturation. The level of increase in rooms will exceed the VAS and Core Strategy projections.

The bar appears to be a dominant feature of the ground floor of the building which will itself have a negative impact on local residents. The hotel proposal will harm neighbouring amenity.

If the site is to be developed away from Class A1 then this site would suit affordable housing because of its central location. He also questions the future of Avon Street Car Park and Avon Street coach park.

CLLR IAN GILCHRIST: Advises that he is concerned at the growth of the supply of budget accommodation in the city and the effect this could have on the viability of guest houses. He advises that he would like Officers and Members to be sure that the market place can sustain both independents and chains before considering approving this application.

BATH PRESERVATION TRUST: (Comment in respect of the original drawings). The Trust regrets that the Council does not have a redevelopment brief for Kingsmead. Advise that they are generally satisfied with the approach to the redevelopment of this site. At ground floor level the street scene elevation and corner restaurant use will help to enliven pedestrian activity, and the colonnade is a welcome design feature which relates well to its context.

They raised concerns about the curtain walling which might appear fake or stuck-on, rather than a real and functional use of glass. They would like to see full details of the glazing prior to determination. They would like to see the top floor set back further from the building edge. Details of plant should be submitted with the application.

They comment that they have serious doubts about the use of Bath stone as a cladding material regarding issues of authenticity and durability. Despite the use of cladding they comment that the proposed stone work appears reasonably well detailed. However details such as drip courses and alike will require careful execution to prevent water from staining the surface of the stone. They question the designed life expectancy of the building which may be considerably less than that of a building which is of a traditional construction.

BATH INDEPENDENT GUEST HOUSES ASSOCIATION: Comment that the size and bulk of this building will mean increased 24hr noise, congestion, pollution and lack of parking in the areas especially when the 190 bed Green Park House and 177 bed Kingsmead House are taken into account. They suggest that a minimum of 50% of guests will arrive by car with no car parking spaces. This will equate to an extra 300 cars in this

area, at minimum, if all 4 hotel proposals are approved. Council car parks may also be sold in the future.

The hotel's extra room capacity is also not required according to the VAS. The VAS identified that budget accommodation was not required. This plot of land should be used for badly needed social housing.

52 letters have been received objecting to the development on the following grounds;

- Traffic will be increased for deliveries down Kingsmead North
- The other traffic along Kingsmead North needs to be taken into account
- Noise will be unacceptable in a residential area
- Need an operational management plan
- An environmental assessment should be required
- Too much development in the local area
- Loss of A1 retail space
- Limited public consultation
- The entrance should be more clearly articulated
- The villas appear stuck on
- The roof is poorly detailed
- 70% of visitors will arrive in cars
- Additional hotel accommodation is not required and it is contrary to the VAS
- The development will be detrimental to existing visitor accommodation
- Cumulative impact of the hotel proposals should be considered
- Traffic and congestion will increase and inadequate parking is available
- Noise and pollution will increase from the site
- Park and Ride not suitable for parking
- Existing visitor accommodation will be adversely affected
- Too many visitors to Bath already
- Development would be harmful to the conservation area and the World Heritage Site and the setting of listed buildings
- Revenue will leave Bath to multi-national companies
- Against the recommendations of the B&NES Destination Management Plan
- No coach parking
- Enough budget accommodation in Bath
- Contrary to Local Plan and national policies
- Construction will cause nuisance and disruption
- Should be used for higher value employment
- Not the type of visitor accommodation that Bath deserves

2 letters of support have been received raising the following points;

- Lack of accommodation in Bath
- Design is appropriate for the site

POLICIES/LEGISLATION

MAIN PLANNING ISSUES:

- The principle of developing a hotel in this location
- The design of the development and the impact upon the Conservation Area, the setting of listed buildings and the World Heritage Site
- The traffic implications of the development

- The Impact on neighbouring amenity
- Flooding

POLICY CONTEXT:

Joint Replacement Structure Plan 2002 - Saved Policies

- 1 - Sustainable Development
- 2 - Locational Strategy
- 6 - Bath
- 38 - Town centres and shopping
- 46 - Tourism
- 54 - Car parking

Bath and North East Somerset Local Plan (including minerals and waste policies) 2007

- IMP.1 - Planning obligations
- D.2 - General design and public realm considerations
- D.4 - Townscape considerations
- ET.1 - Employment land overview
- ET.3 - Core employment sites
- SR.3 - Provision of recreational facilities to meet the needs of new development
- S.6 - A3, A4 and A5 uses in Bath City Centre
- S.7 - Siting of tables and chairs outside A3 or A4 uses in Bath city centre
- ES.2 - Energy conservation and protection of environmental resources
- ES.5 - Foul and surface water drainage
- ES.15 - Contaminated land
- HG.13 - Retention of existing housing stock
- WM.3 - Waste reduction and re-use in development proposals
- NE.14 - Flood risk
- BH.1 - World Heritage Site
- BH.2 - Listed Buildings and their settings
- BH.6 - Development affecting Conservation Areas
- BH.7 - Demolition in Conservation Areas
- BH.13 - Significant archaeological remains in Bath
- T.3 - Promotion of walking and use of public transport
- T.5 - Cycling strategy: improved facilities
- T.6 - Cycling strategy: cycle parking
- T.18 - Public off-street car parking in Bath City Centre
- T.19 - On-street parking in and close to central Bath
- T.24 - General development control and access policy
- T.25 - Transport assessments and Travel Plans
- T.26 - On-site parking and servicing provision

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

- DW1 - District wide spatial strategy
- B1 - Bath spatial strategy
- B2 - Central area strategic policy
- B4 - The World Heritage Site and its setting

CP2 - Sustainable construction
CP5 - Flood risk management
CP6 - Environmental quality

National Policy:

PPS 1 - Delivering sustainable development
PPS - Planning and climate change supplement to PPS 1
PPS - Planning for sustainable economic growth
PPS - Planning for the historic environment
PPS 25 - Development and Flood Risk

PPG 13 - Transport
PPG 16 - Archaeology and Planning
PPG 24 - Planning and noise
Good Practice Guide on Planning for Tourism - Replaces PPG 21 - Tourism (Cancelled)

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPING A HOTEL IN THIS LOCATION: The existing building on site is being used for retail purposes. The application site does not however fall within a primary retail frontage. There is not therefore any policy which resists the loss of the retail use at the site. The application site is not located within a core business area in terms of Local Plan Policy ET.3 and the loss of the warehouse and light industrial unit would comply with this policy. In respect of the loss of the existing flat policy HG.13 seeks to retain existing housing stock. However, if substantial conservation benefits can be achieved then the loss of residential accommodation is permissible. In this case the redevelopment of the site has the potential to significantly enhance the character and appearance of the conservation and the development would comply with this policy. Furthermore the loss of one flat to provide 108 bedrooms would enhance the overnight accommodation in the city centre.

The key national planning document in respect of considering whether a hotel use is appropriate for the redevelopment of the site is PPS 4 (Planning for sustainable economic growth). This document advises in Policy EC10 that Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. This document continues to outline a general policy presumption towards tourism uses, such as hotels, being located within town/city centres. To promote the vitality and viability of towns and other centres the document advises that the Government wants 'new economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities'. PPS 4 advises that the extent of a town centre should be defined on the proposals map for that respective settlement.

The existing Local plan does not have a map defining the city centre for Bath however the emerging Core Strategy Submission does include a map delineating a Bath city centre boundary at Appendix 3 of the document. The application site is located within the city centre and the use of the site for a hotel is therefore appropriate. Under the terms of PPS 4 there is no requirement to justify the need for the hotel in this city centre location or to consider its impact on the wider centre. As it is located within the city centre this is a sustainable location which reduces the need to travel by private car.

A number of objections have been received arguing that there is no need for this hotel or that it is not appropriate at this site. Advice in PPS 4 is clear however that the Government wishes to see 'competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups)'. There is considered to be no planning justification for resisting the development on grounds of need.

Notwithstanding the fact that need for the development does not have to be demonstrated, Policy B1 of the Core Strategy Submission includes a policy on hotel provision which promotes the provision of 500-750 new hotel bedrooms, during the plan period, to widen the accommodation offer of the city, increase overnight stays and the competitiveness of the city as a visitor destination. This document can only be attributed limited weight at this point because it is an emerging rather than an adopted policy however it clearly shows the intention of the Council to promote additional visitor accommodation. As part of the Core Strategy evidence base a Visitor Accommodation Study Final Report December 2009 (VAS) document was compiled by 'The Tourism Company' on behalf of the Council and this provided an overview of the likely level of need for Hotel accommodation within Bath until 2026. It should be emphasised that this is not however a planning document and only limited weight can be attached to it in terms of the determination of this application. The predicted level of visitor accommodation in the VAS is very similar to that put forward in the Core Strategy Submission.

The VAS indicates that annual occupancy levels in hotels within Bath are at 75% and the study reports that it is quite common for Bath hotels to turn away business at weekends because weekend occupancy rates typically exceed 90%. It is estimated that individual hotels may be turning away up to 500 room nights a year. It is important to emphasise that achieved room rates in Bath exceed the national average.

Comparison of Bath to similar historic cities in size and status within the UK indicates that Bath has less hotel accommodation, fewer large branded hotels and less budget accommodation than is typical. Likewise in comparison to similar cities there has been relatively little new development or expansion in the hotel stock in the last decade in Bath. The report attributes this to the high cost of land, shortage of suitable sites and the difficulties of developing in the historic environment of Bath. The VAS identifies that if fewer rooms are built than demand suggests are necessary and the projections hold, business may be lost to Bath due to lack of availability. There is already evidence that some visitors are 'day tripping' rather than staying which is at least in part attributable to the outlined shortage/high cost of accommodation. The B&NES Destination Management Plan likewise outlines a lack of adequate accommodation in Bath.

Analysis does therefore suggest that Bath is 'under-hotelled' with most notably gaps in the 3 and 4 star offers, the boutique sector and budget offer. Representations have been made suggesting that the end user, in this case a Premier Inn, may be unsuitable or that a different type of hotel may be more appropriate. It is important to point out that the planning process cannot control the type of hotel which occupies the site because moving between different star ratings of hotels would not represent a material change of use of land. Likewise because all types of hotels are appropriate city centre uses the proposal should not be resisted on this basis. Accordingly whilst the VAS tries to split the demand

into different hotel star ratings Policy B1 of the Core Strategy Submission does not seek to subdivide the proposed level of rooms by star type. The target relates purely to overall levels of growth.

The aspirational level of hotel expansion does not take into account existing planning permissions. In this regard for example there are estimated to be a potential 302 rooms that could come forward including most notably the Green Park House site, the Gainsborough and King Edwards School which have secured planning permission. In addition to the 108 rooms proposed under this application an additional 177 hotel rooms are proposed at Kingsmead House. The total capacity should both applications be permitted and the extant permissions be implemented would be 587.

The level of provision would still remain under the maximum target for hotel accommodation outlined in Policy B1 of the Core Strategy Submission of 750. Therefore whilst development could potentially come forward quickly it is still within aspirational targets for growth. It should also be recognised that there can be no certainty that all of the planning permissions would be implemented and ultimately developers will struggle to secure funding and be unwilling to bring forward developments unless they feel the market can support the supply of accommodation. The market in this respect will be somewhat self regulating.

There is an unmet need for hotel accommodation in Bath at present. However as has been explained, in this case there is not a requirement in any event to justify the need for the development because the development is located within the city centre. The use of the application site to provide a 108 bed hotel is an appropriate use of the site.

As part of the proposals a bar and restaurant are proposed at ground floor level of the building. These are ancillary uses to the hotel but they are also likely to be available for the general public. Policy S.6 of the Local Plan promotes the introduction of A3, A4 and A5 uses in Bath city centre subject to their impact on the conservation area, residential amenity and retailing. These uses can bring some vitality to the street scene and help to regenerate this underused site. Conditions regarding hours of operation are however suggested to ensure that the uses do not harm neighbouring amenity. These uses are also city centre uses in terms of PPS 4 so national policy likewise supports the principle of such uses in this location.

THE DESIGN OF THE DEVELOPMENT AND THE IMPACT UPON THE CONSERVATION AREA, THE SETTING OF LISTED BUILDINGS AND THE WORLD HERITAGE SITE: The application site sits in a transitional zone between the commercial building dominated James Street West and the more residential context to the south. The immediate pattern of development is varied however more modern developments prevail on James Street West which are generally between 4-6 storeys in height. The directly adjacent cinema building to the west is the most visually dominant building being a large structure in footprint and overall height and bulk terms. The existing building and the adjacent Labour exchange represent under-scaled anomalies in the street scene.

The main buildings on the site appear to have been constructed for warehousing. They tend to reflect the piecemeal nature of the modern developments near the site and do not demonstrate the qualities or characteristics of the dominant architectural character of the city conservation area. The opportunity to construct the application buildings can be

attributed to damage suffered during WWII to a Georgian terrace that stood on the site. The terrace, which was probably the first permanent building on the site, seems to have been demolished without record around 1942. The existing buildings are substantially of post war construction and cannot be regarded as a vital reminder of the gradual development of the city. They lack any special landmark qualities or historic associations with notable local people or events. Neither do they reflect traditional or former uses in the area.

The Historic Environment Team advise that at best, the existing buildings might be regarded as having neutral significance for the conservation area. The removal of the existing buildings represents an opportunity to use the site more efficiently and to enhance the character and appearance of the conservation area. In a locality of mixed character, there is an opportunity for a new building to be visibly of its own time, but it is important that it should also strengthen local distinctiveness.

As regards the overall scale, bulk and massing the proposed building would have four full storeys above ground and a flat-roofed penthouse fifth storey set back behind a parapet. The scale of the building would not significantly challenge the cinema complex or some of the other bulky modern buildings in James Street West. The scale as the building recesses into Kingsmead North would likewise be similar to existing residential developments.

Whilst the replacement building would be larger than the existing buildings these are somewhat under-scaled. The top penthouse storey has been setback behind a parapet wall on the three key public elevations and is glazed these factors combined would reduce the apparent mass of the new structure. Also, the provision of giant first floor windows, suggesting a piano nobile, in fact disguises two internal floor levels. Redeveloping the site with a larger building has the benefit of partially obscuring the blank side elevation of the cinema complex when viewed approaching from the east along James Street West.

The proposed replacement building has sought to draw on local distinctiveness and borrows from the familiar proportions, scale and materials of Georgian Bath. However the building is not a pastiche design and is clearly a modern building. The building has been designed to introduce active uses at the ground floor of the building. In particular the reception, restaurant and bar would be accessed off James Street West from a central access. The ground floor at the front and the side elevation would be largely glazed which would add vitality and visual interest, as will the introduction of a colonnade at the front. The existing building fails to create an active dialogue with the street and the introduction of active uses is a considerable strength of this scheme.

The east façade of the hotel block will be visually separated by being divided into three 'villas' separated by elements of curtain wall glazing. This modulation helps to break up the building along this long eastern elevation. Revisions were sought and have been received to respond to the design criticism that the areas of Bath stone villas needed to be made more prominent, removing the appearance of the stone facades floating on the glazed elements above and the joining panels to the sides. In response, the roof structure has been amended This has been achieved by reconfiguring bedrooms to create a new 2.8m additional set back above the third storey glazed link panelled sections.

This has had the effect of giving clearer differentiation between the penthouse roof above the dominant bath stone fronted 'villas' and the two recessive glazed link panels. When viewed from James Street, this amendment would significantly improve the prominence, separation and three dimensional qualities of the three 'villa' elements and reduces the visible glazed links to four storeys. It is therefore now considered to be an acceptable approach.

The frontage of the building with James Street West has been designed to incorporate a central bay of three with the access in the middle. Whilst the height of the building in elevation would be similar to the adjoining cinema (excluding its roof) the fenestration pattern and solid to void ratio of the proposed building is considered to be significantly different to the cinema to ensure that the new building would be visually distinct from its larger neighbour.

The fenestration pattern generally on the proposed building draws reference from Georgian architecture in the city which is characterised by repetitive window details on each floor progressing in a hierarchy up the building. The proposed building combines the first and second floor windows into a single opening which acts to create the scale and drama of the Georgian first floor in a contemporary manner.

Detailing on the elevations includes horizontal stone bandings and window surrounds to protect the Bath stone from water. The banding also breaks up the vertical mass of the building. The top storey has been setback behind a parapet which will act to reduce the visibility of the top storey from street level. The building design has been revised to bring the top storey forward at the frontage onto James Street West which is considered to represent an improvement over the slightly odd large setback which was previously tendered. The use of a penthouse type storey with a flat roof is considered acceptable. The building is a commercial building and this is considered to be a more honest approach than introducing a mansard roof more commonly designed for residential properties. The horizontality of the roof form would be broken up with the introduction of vertical masonry stacks which will function as extract points.

The revised design could provide a successful modern building which is considered to be of an appropriate mass and modulation for the site, with an architectural treatment that would make it an appropriate background addition to James Street West and a sensitive neighbour to historic fabric to its east. The proposed building would enhance the character and appearance of the Bath Conservation Area and protects the outstanding universal value of the Bath World Heritage Site. The building would not likewise harm the setting of adjacent listed buildings. The proposed development would comply with the key design policies of the Local Plan - D.2, D.4, BH.1, BH.2 and BH.6 and also advice contained within PPS 1 and PPS 5.

THE TRAFFIC IMPLICATIONS OF THE DEVELOPMENT: The proposed hotel does not make provision for parking except for 2 disabled parking spaces and a car drop off area to be located within the building to the rear accessed via Kingsmead North. Cycle parking is also to be provided for 10 bicycles. All servicing of the hotel is to take place within the enclosed service bay. The application site is located within close proximity to the Bath Coach Park and it is intended that any coaches could drop off here.

PPG 13 (Transport) outlines the national objectives in respect of transport. At the cornerstone of this guidance note is the promotion of more sustainable transport choices. This document seeks therefore to promote accessibility to jobs, shopping, leisure and tourism facilities by public transport, walking and cycling and seeks to reduce the need to travel especially by private car.

PPG13 gives advice on parking and sets maximum parking standards. In considering parking PPG13 states (in paragraph 51):

'In developing and implementing policies on parking, local authorities should:

1. Ensure that, as part of a package of planning and transport measures, levels of parking provided in association with development will promote sustainable transport choices;
2. Not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.'

At the local level Policy T.1 of the Local Plan advises that the Council will seek to reduce the growth and where possible the overall level of traffic by measures which encourage movement by public transport, bicycle and on foot. Likewise Policy T.18 recognises that the availability of a parking space and its cost are major factors in determining whether people will use their car. The Council will seek to control the provision of further car parking within Bath city centre to minimise traffic generation. Policy T.26 advises that in central locations such as the application site very little car parking will be permitted and the Council may welcome 'car free' developments.

The application site is very well served by public transport with regular buses passing the site to a variety of destinations. The bus station, rail station and coach park are likewise located within close walking distance from the hotel as is the primary shopping area of Bath. The application is supported by a Travel Plan which identifies measures to promote the use of sustainable modes of transport including cycle parking, staff showers and changing facilities and travel information. Further requirements for the Travel Plan could be secured if permission is granted to ensure that when bookings are made it is made clear to prospective guests that the hotel has no car parking. This would likewise need to be made clear on marketing information which the hotel provides. It is also vital that control over the final Travel Plan is secured so that monitoring measures can be put in place. Financial penalties will be included within the plan as an incentive to meet targets in terms of reducing the use of the private car.

It is recognised that some guests will, notwithstanding the above, still choose to drive to the hotel and in this regard it is important to assess what availability there is for car parking within long stay car parks in the centre of Bath. The Highway Development Officer advises that surveys undertaken by this Council during a two week period of June 2009 showed that neither car park approaches capacity until approximately 11am (in excess of 80% full), and this tails off after 4pm (approximately 72% capacity). The Highways Officer therefore advises that given the parking demand for hotel visitors is generally overnight, from 7pm to 9am, it would appear there is capacity in local car parks to accommodate that proportion of guests who might choose to drive to the hotel. It should also be noted that since these surveys the Southgate development has opened providing car parking for

around an additional 900 cars. The preference would however be to encourage guests who arrive by car to leave their cars at the various Park and Ride on the outskirts of Bath so as to avoid congestion within Bath.

A related issue that has been raised as a concern by residents is that there will be an invasion of hotel guests parking their cars in nearby residential streets. There will be a proportion of guests who prefer/need to travel by private car. The potential however for this to affect adjacent streets is minimal in this case given the lack of on-street parking available due to restrictions limiting any parking either to residents-only, or to short-term waiting. The hotel will not be entitled to apply for parking permits for staff or visitors.

The facility to allow drop-off/pick-ups of passengers and luggage within the service area will reduce further the need for short-stay parking on-street in the locality. Notwithstanding this, the ability to travel directly to the hotel by car must not be promoted at any level as this has the potential to undermine the car-free principle of the development.

Based on the experience of the proposed operator at other locations, deliveries to the hotel are estimated at 10 visits per week. Deliveries are likely to comprise refuse collection (3 collections per week), linen delivery (3 deliveries per week), drinks (1 delivery per week) and food deliveries (3 deliveries per week) for the restaurant. The Highway Development Officer advises that this suggests minimal activity on a daily basis and he raises no significant concerns over the appropriateness of Kingsmead North to accommodate these vehicles. The timing of deliveries is suggested to be controlled by condition. The levels of deliveries proposed to the hotel is likely to be acceptable however an operational statement will be required to secure further details in this regard.

In order to further encourage sustainable transport options recognising that the replacement use of the site is likely to be a larger traffic generator than the existing use a strategic highway and transport works contribution is being sought to promote the use of sustainable forms of transport. This contribution totals £11,665 and has been calculated based on the SPD - Planning Obligations formula. A local impact of the development will be increased bus travel to and from the site and a contribution has been identified and agreed of £7,500 to allow for the upgrading or installation of public transport infrastructure to west-bound bus-stops in the immediate vicinity of the development.

Whilst it is recognised that some people will still travel by car they will pay a premium to do so in car parking charges which will make public transport more appealing. Whilst objections have been received on the basis that parking should be provided this view runs contrary to Governmental thinking and will encourage people to drive into the centre of Bath which increases congestion. Therefore in view of the emphasis in PPG 13 and Local Plan policies to reduce dependence on the private car the proposal to provide no car parking is supported. The development also continues to be supported by the Highway Development Officer on this basis.

IMPACT ON NEIGHBOURING AMENITY: There are a number of areas which require consideration to determine the likely impacts which the development will have upon neighbouring amenity. In this regard Policy D.2 of the Local Plan advises that development will only be permitted if it will not cause significant harm to the amenities of existing or proposed occupiers by reason of loss of light, increased overlooking, noise, smell, traffic or other disturbance.

The proposed hotel is a taller building than the existing buildings which it will replace. The side and rear of the site borders Kingsmead North with the four storey flats of Kingsmead Court directly to the south. Behind the Old Labour Exchange there is also a residential terrace of development located opposite the proposed hotel. The proposed hotel would be approximately 15m from Kingsmead Court at its closest point which is considered to be sufficient to avoid significant overlooking. The use of the building for a hotel also means that during large periods of time the rooms will be unoccupied. The relationship with the properties in Kingsmead Terrace to the east is more significant with reduced separation distances of approximately 9-10m at the closest point. The orientation of the proposed hotel is however offset in comparison to these neighbouring properties meaning that they would not directly face each other. Any overlooking would therefore be at a somewhat oblique angle. Given also the proposed use of the building as a hotel it is considered that whilst some overlooking may occur between buildings that this would not be significant enough to support refusal of the application.

Given the built up nature of the immediate site context and the large cinema building to the west the proposed development should not contribute significantly to increased overshadowing of neighbouring residential properties. The proposed hotel is similar in scale to neighbouring developments and it should not be overbearing for neighbouring properties.

The application has been supported by a plant noise assessment which assessed baseline noise exposure at the site. The cumulative noise of all new plant will be designed to a limit which is 10dB(A) below the existing background noise levels as assessed at the nearest noise-sensitive window of any residential property. A higher limit of 33 dB LA90 will apply to all plant which is only operational up until midnight. Plant which could operate on a 24-hour basis, including the hotel bathroom extract fans and the external condenser, will need to achieve the lower limits. To achieve the noise limits, the roof-top plant area on the 4th floor will be screened with a 2m high barrier. All fans and air handling units will be provided with in-line attenuators to control noise emissions.

The Council's Environmental Health team have assessed the submission and note that a condition is required in respect of plant noise. More generally they advise that guidance on odour emissions from the development should follow the requirements of the DEFRA code of practice on the control of odour and noise from commercial kitchen exhaust systems. The applicants have indicated that this would be the case. This consultee also advises that there is a lack of detail to demonstrate that external lighting will comply with the Institute of Lighting Engineer's (ILE) guidance and that a light spillage assessment should be submitted to demonstrate that the ILE guidance will be adhered to and that there will not be unacceptable levels of light trespass to sensitive receptors. The applicants have advised in this regard that there will be no external floodlighting incorporated on this project. There will also not be any external accent lighting of the building facade incorporated on this project. Signage may be required at the frontage but this would be dealt with through an appropriate application for advertisement consent. A condition can be placed on this recommendation to prohibit external lighting unless details are submitted to and approved by the Council. Neighbouring amenity impacts in terms of noise from plant, odour and lighting will be limited.

The proposed development would be accessed from James Street West and the active uses proposed within the building would not be accessible from Kingsmead North. The active uses are located to the front of the building. The operation of these uses could be controlled by condition to avoid excessively late operation to protect the amenities of neighbouring residents.

The servicing of the proposed hotel is an area of concern which has been raised in some representations because this will take place via Kingsmead North. The applicants have advised that there will be relatively little traffic required to service the proposed hotel. This will be limited to approximately 10 visits per week which is not likely to significantly harm neighbouring amenity. A condition that deliveries be limited to between 8am-6pm Monday to Friday and Saturday 8am-1pm with no deliveries to take place on Sundays or Bank Holidays is considered reasonable in this case.

The proposed hotel incorporates a drop-off facility for those arriving by private car although private car use will be discouraged and public transport promoted. The facility is located within the building which will reduce its impact on neighbouring properties. There is however likely to be an increase in cars using Kingsmead North which in the event of for example 85% occupancy of the hotel with average guest stay of 2.1 days could amount to for example 23 arrivals per day by car. The number of movements which would occur after 10pm would be estimated to be very low in the region of only 3% of movements. The levels of traffic generation are not insignificant however given that drop-offs/pick-ups can take place within the building the level of nuisance to neighbouring properties is likely to be limited. It is recognised that the current proposal also needs to be understood in terms of existing servicing of the cinema complex and that the redevelopment of Green Park House (should planning permission be implemented) would result in additional movements however Kingsmead North is a relatively quiet no through route and the additional traffic would not be so significant as to justify refusal of the application. The current proposals would likewise be partially offset because the existing vehicle movements which the site generates would be taken away.

It is acknowledged that an element of disruption and nuisance would be caused during the demolition of the existing buildings and the construction of the hotel. It is important therefore to manage as carefully as possible these phases of development. Hours of work, noise, dust and traffic could be controlled through seeking the submission of a demolition/construction management plan so that details of how these works would be undertaken would need to be submitted to and approved in writing by the Local Planning Authority. However, the nuisance caused from demolition/construction would be temporary in its nature and subject to controls is not considered to constitute a reason for refusing the application.

Overall whilst some areas of impact on residential amenity have been identified these are not, on balance, considered to be significant enough to justify refusal.

FLOODING: The application site is located partially within Flood Zone 2 which the Environment Agency classify as a medium flood risk area. Accordingly the applicants have submitted a sequential test appraisal as required by PPS 25 (Development and flood risk). This is required to demonstrate that the development could not be located at a site within Flood Zone 1 (low risk area) within Bath city centre. The search area of Bath city centre

has been used because the development would be appropriate within the centre whereas less central locations may be unsupported in planning policy terms.

The applicants have put forward a series of potential alternative sites for the development however it is clear that the majority of these would be in Flood Zone 2/3 and therefore of equal or greater flood risk. The only sites identified within Flood Zone 1 are not suitable or available for the applicant. Officers agree that the site selection process is robust and are therefore of the view that the sequential test has been passed in this case.

The Environment Agency have considered the Flood Risk Assessment which was submitted with the application and advise that its contents are satisfactory and that subject to conditions the flood risk can be mitigated. The suggested conditions are recommended and Officers raise no objections to the development on flooding grounds.

OTHER PLANNING CONSIDERATIONS: In line with Local Plan Policy SR.3 and the Council's SPD - Planning Obligations a financial contribution is being sought towards the improvement of open space provision in the locality because the development will be likely to result in increased use of open spaces.

The Council's Contaminated Land Team advise that due to the sensitivity of the proposed use and the historical uses of the site conditions should be attached to investigate further whether the site is contaminated and to ensure that where appropriate a remediation scheme is in place.

The application has been supported with a bat risk assessment. The applicant's Ecologist advises that all of the buildings within the site are flat roofed and no roof voids exist. There are no bargeboards, other roof edge features or hanging tiles which could have potential to provide minor roosting opportunities. The buildings are thought to be of post 1960 design and there is nothing about their structure which suggests opportunities may be present for bats. The buildings are located in the centre of Bath, in an urban setting with no obvious lines of vegetation or other distinct bat flight paths immediately adjacent to the site. The Ecologist concludes that the buildings are considered to offer zero-negligible bat roosting opportunities. Likewise the potential for roosts within buildings immediately adjacent to the site also appears to be low. Additional bat surveys are not considered to be required. In light of this report it is considered highly unlikely that any criminal offence would occur under the habitat regulations should this development proceed.

The Council's Archaeologist advises that evidence of Roman industrial and building debris was found on the neighbouring cinema site during its development, and that some historic building remains (walls) exist on the current application site. A desk-based archaeological assessment of the site has been submitted and the Council's Archaeologist recommends that a watching brief should be undertaken during works at the site and conditions are attached.

It has been suggested within submissions that the site could be put to a better community use or an economic or housing use. The Council must however consider the proposals which are put forward and the proposed use is considered to be appropriate.

Objections have been received due to the fact that there are two further planning proposals for hotels within the Kingsmead area. Concerns relate to traffic generation and

potential problems involving the clustering of hotels. These comments are noted however in respect of parking it is relatively tightly controlled in this area which reduces the potential for residents to be displaced. There are also public car parks in the vicinity. Where a potential problem has been identified the developer has been required to fund Traffic Regulation Order (TRO) amendments to increase the hours of resident's car parking. In this case the Highway Officer feels that the streets around this particular hotel are suitably restricted therefore a TRO has not been sought. All of the proposals will be required to have detailed travel plans approved which will be designed to minimise the use of the private car where possible. The Highway Development Team have not raised any objections that these three schemes in combination will disrupt the transport network.

In respect of the second issue whilst the hotels are located in the same ward there are significant separation distances between them and they are not likely to cumulatively harm the character of the area. All of the hotels have been designed to incorporate active uses at ground floor level and they may contribute to the regeneration of this area of the city. Concerns regarding noise and nuisance at night are noted however it would not be in the interests of the prospective hoteliers to allow such nuisance in and around the hotels because they will have other guests sleeping. Conditions are however suggested to control the operation of proposed bars/restaurants within these building to protect neighbouring amenity.

An objection has been received regarding the level of public consultation which has taken place. The applicant is not however under a statutory requirement to consult prior to submission and this is somewhat outside of the control of Officers. Through the formal planning application the views of residents have been sought and considered.

Several objections have been received commenting that the hotel will not benefit Bath with revenues leaving the city. It is not possible to comment in detail on this point however it seems likely that a hotel in Bath would choose to use local suppliers or branches to service it. Likewise visitors will be spending money in the local economy. The motivation or background of the applicant is not though considered to be material in the determination of this case.

CONCLUSION: There is no policy objection to the loss of the existing uses on site. The proposed hotel use is an appropriate use for a city centre location and PPS 4 supports the provision of such uses in central locations which are accessible by a range of sustainable transport alternatives to the private car. There is no requirement to therefore justify the need for the development. Notwithstanding this the Core Strategy Submission Policy B1, which draws reference from the VAS, seeks provision of 500-750 additional hotel rooms to 2026. This proposed hotel can therefore provide additional hotel accommodation in line with this strategy. The need for hotel accommodation in Bath which is evidenced in the Core Strategy Submission's projections is predicated on the fact that accommodation supply in Bath is currently inadequate which results in existing providers turning away business. Achieved room rates and prices in Bath also exceed the national average.

The proposed building would make a more efficient use of land and as designed it would be appropriate in its massing and architectural treatment. The building has sought to draw on local distinctiveness and borrows from the familiar proportions, scale and materials of Georgian Bath. It remains however a modern design of building capable of enhancing the character and appearance of the Bath conservation area. It would likewise protect the

outstanding universal values of the World Heritage Site and the setting of adjacent listed buildings.

The decision to not provide car parking accords with Local Plan and Government advice to reduce the use of the private car and to promote public transport usage. The site is highly sustainable and the provision of car parking would result in increased congestion within the centre. A detailed final travel plan will be sought to promote the use of sustainable transport methods. The proposed building will result in some limited impact on neighbouring amenity but this would not however be significant enough to recommend refusal of the application. Any flood risk associated with the development can be mitigated against. The application can in light of the above considerations be supported for a recommendation of permission subject to a legal agreement.

RECOMMENDATION:

(A) Authorise the Planning and Environmental Law Manager to secure a planning obligation to include the following:

(a) A contribution of £11,665 to go towards 'Strategic Highway and Transport Measures'.

(b) A contribution of £7,500 towards upgrading/installation of public transport infrastructure to west bound bus-stops in the immediate vicinity of the development.

(c) A contribution of £8,236.08 towards the enhancement of existing formal and natural green spaces in the locality.

(B) Upon completion of the obligation authorise the Development Manager to PERMIT the application subject to the following conditions:-

RECOMMENDATION

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to condition(s)

CONDITIONS

1 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 permissions.

2 No 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 details so approved.

Reason: In order to allow proper consideration of these elements of the scheme in the interests of the appearance of the development and the character and appearance of the Conservation Area, World Heritage Site and setting of neighbouring listed buildings.

3 No development shall commence until a sample panel of all external walling materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: In order to allow proper consideration of these elements of the scheme in the interests of the appearance of the development and the character and appearance of the Conservation Area, World Heritage Site and setting of neighbouring listed buildings.

4 Notwithstanding the submitted plans no development shall commence until full detailed drawings and particulars have been submitted to and approved in writing by the Local Planning Authority of the following; the method of construction of the building with particular reference to the stone cladding; full details of the form, design and appearance of the proposed curtain wall glazing'; and details of the proposed colonnade. Development shall then take place in accordance with the approved details.

Reason: In order to allow proper consideration of these elements of the scheme in the interests of the appearance of the development and the character and appearance of the Conservation Area, World Heritage Site and setting of neighbouring listed buildings.

5 Notwithstanding the submitted plans no development shall be commenced on site until a hard landscaping scheme has been submitted to and approved in writing by the Local Planning Authority showing details, and submitting sample materials, of the proposed ground surface treatments at the frontage of the site with James Street West. The hard landscaping works shall then be undertaken in accordance with the approved details prior to the first occupation of the hotel or in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of this part of the site and the Conservation Area.

6 Prior to the commencement of development at the site details of a Construction Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall comply with the guidance contained in the Council's Code of Construction Site Noise practice note and the BRE Code of Practice on the control of dust from construction and demolition activities and shall also include, but not exclusively, details of the location of the site compound and on-site parking provision for vehicles associated with the construction and demolition works and hours of working. The details so approved shall be fully complied with during the construction of the development.

Reason. To protect the amenities of the occupants of adjacent residential properties.

7 Notwithstanding the submitted information, prior to the first occupation of the development hereby permitted, a final Travel Plan, including, but not exclusively, detailed measures to minimise arrival by guests and staff in private cars; and measures to promote the use of sustainable forms of transport shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be occupied in accordance with the provisions of the approved travel plan.

Reason: In the interests of minimising travel by the private car and promoting sustainable development.

8 The development hereby permitted shall not be occupied until staff changing and shower facilities have been provided in accordance with drawing reference PL_04 Rev C. These facilities shall thereafter be retained in perpetuity and shall not be used other than for this purpose.

Reason: In the interests of sustainable development.

9 The disabled car parking spaces and bicycle storage areas shall be provided in accordance with details as approved on drawing reference PL_04 Rev C prior to the first occupation of the building and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority. The disabled parking spaces and cycle parking areas shall only be used for these express purposes.

Reason: In the interests of minimising travel by the private car and in the interests of highway safety.

10 The development hereby permitted shall not be occupied until an Operational Statement has been submitted to and approved in writing by the Local Planning Authority, to include details of the method of management of deliveries, the disabled parking spaces and 'drop-off' facilities. The development shall thereafter be occupied in accordance with the provisions of the approved operational statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, residential amenity and sustainable development.

11 No vehicular deliveries for the development shall arrive, be received or despatched from the approved service bay outside the hours of 08:00 to 18:00 Monday-Friday, 08:00 to 13:00 on Saturdays and at no time during Sundays and Public Holidays.

Reason: To safeguard the amenity of nearby residents.

12 Notwithstanding the submitted plans, no external plant, machinery, ventilation ducting or other similar apparatus shall be installed other than in accordance with details, which may include screening measures, that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and the appearance of the development.

13 The cumulative noise level from all newly installed plant shall not exceed 31dB LAeq(5min) (Midnight - 0600h) and 33 dB LAeq(15min) (0600h -Midnight) at Kingsmead Terrace and 28 dB LAeq(5min) (Midnight - 0600h) and 33 dB LAeq(15min) (0600 - Midnight) at Kingsmead Court, Griffin Court and Riverside Gardens.

Reason: To protect residential amenity

14 No amplified sound shall be operated at any time within the site so as to be audible from outside the building hereby approved unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupants of nearby residential properties.

15 No external lighting shall be installed on any part of the building or within any other part of the site other than in accordance with details (including details of illumination times and luminance levels) that shall first have been submitted to and approved in writing by the Local Planning Authority, and any lighting shall thereafter be operated in accordance with the approved details.

Reason: To protect the amenities of the occupants of nearby residential properties and to safeguard the character and appearance of this part of the Conservation Area and the World Heritage Site.

16 The use of the restaurant and bar as indicated on drawing reference PL-04 Rev C shall not be carried on and no customer shall be served or remain within these designated areas outside the hours of 06:00 to 23:30 Monday to Saturday and 06:30 to 23:00 on Sundays and Public Holidays.

Reason: To safeguard the amenity of nearby residents.

17 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (a) a survey of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to:
 - (c) human health,
 - (d) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - (e) adjoining land,
 - (f) groundwaters and surface waters,
 - (g) ecological systems,
 - (h) archaeological sites and ancient monuments;
 - (i) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18 Pursuant to condition 17 if remediation is required a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19 Pursuant to condition 18 the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 19.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21 Where a remediation scheme is identified as being required, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

22 No materials arising from the demolition of any existing structure(s) nor any material arising from incidental works shall be burnt on the site.

Reason: To protect the amenities of the occupants of nearby residential properties.

23 No development shall take place within the site 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. It shall also provide a record of those parts of the historic building(s), which are to be demolished, disturbed or concealed by the proposed development. The works 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 existing buildings may be of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

24 No new ground floor door openings shall be created on the side (south east) elevation of the building onto Kingsmead North from the proposed bar/restaurant.

Reason: In order to protect residential amenity.

25 Finished Ground Floor Levels shall be set no lower than those indicated on drawing no. PL-04-07 (Levels to Entrance Area, dated June 2011).

Reason: To reduce the risk of flooding to the proposed development.

26 Prior to the commencement of development a scheme for flood proofing of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as agreed prior to the first occupation of the development.

Reason: To reduce the risk and impact of flooding on the proposed development.

27 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent increased risk of flooding and ensure future maintenance of the surface water drainage system.

28 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: This decision relates to the following Job No.09-091 drawing numbers; PL_02, PL_03, PL_04 Rev C, PL_04_01, PL_04_02, PL_04_03, PL_04_04, PL_04_05 Rev A, PL_04_07, PL_05_01 Rev A, PL_06, PL_07 Rev A, PL_10 and 8262/1 Rev A.

REASONS FOR GRANTING PERMISSION

The decision to grant approval has taken account of the Development Plan and any approved Supplementary Planning Documents. The development would accord with guidance within PPS 1, PPS 4, PPS 5 and PPG13. The use of the site as a hotel is an appropriate use which accords with policy guidance. The building design is of a high quality and would enhance the character and appearance of the Conservation Area and would not harm the setting of listed buildings or the World Heritage Site. The proposal to not provide on-site car parking is consistent with Local Plan and National Policy and the objectives of sustainability. Highway safety would not be jeopardised by this proposal.

The development is capable of being adequately serviced and operated without resulting in any significant harm to neighbouring amenity. The development would not significantly increase the risk of flooding at the site. A bat assessment has been undertaken at the site which indicates that there is negligible potential for bats within the buildings. Officers are satisfied that the requirements of the Habitats Directive have been met. The development is not considered to be EIA development.

The proposed development is in accordance with Policies IMP.1, D.2, D.4, ET.1, ET.3, SR.3, S.6, S.7, ES.2, ES.5, ES.15, WM.3, NE.14, BH.1, BH.2, BH.6, BH.7, BH.13, T.3, T.5, T.6, T.18, T.19, T.24, T.25 and T.26 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

FLOOD WARNING AND EVACUATION:

The Environment Agency recommend the applicant discuss flood warning and evacuation arrangements with the Local Planning Authority emergency planning team and prepare a plan for the development.

POLLUTION PREVENTION:

The Environment Agency advise that safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes.

They recommend the applicant refer to their Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Item No: 03
Application No: 11/00779/CA
Site Location: 4 James Street West, City Centre, Bath



Ward: Kingsmead **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Douglas Nicol Councillor A J Furse
Application Type: Conservation Area Consent
Proposal: Demolition of all existing buildings at 4 James Steet West/1(a) and 2 Kingsmead North
Constraints: Agric Land Class 3b,4,5, Article 4, British Waterways, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: MDN Properties (Bath) Ltd
Expiry Date: 4th May 2011
Case Officer: Ian Lund

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application is one a number of proposals relating to major hotel developments in the city and under the terms of the scheme of delegation the applications is referred to the Committee for determination.

DESCRIPTION OF SITE AND LOCATION

The site lies immediately to the west of the city centre at the junction of James Street West with Kingsmead North, The cinema / leisure complex is located immediately to the west and the former Labour Exchange to the east. To the rear of the site lie the tall blocks of flats forming Kingsmead Court, whilst two and three storey houses lie to the east side of Kingsmead North.

The front of the site is presently occupied by a former two storey warehouse now used for retailing. Deeper within the site is a service courtyard and adjacent workshops.

Listed buildings exist nearby at the iconic, bomb damaged Old Labour Exchange and Nos 1 and 2 Kingsmead Terrace on east side of Kingsmead North.

The site is included within the Bath Conservation Area and the wider World Heritage Site designation.

RELEVANT PLANNING HISTORY

There is a parallel application (11/00768/FUL) for the construction of a 108-bed hotel incorporating a ground floor restaurant, following demolition.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ARCHAEOLOGICAL OFFICER: Evidence of Roman industrial and building debris was found during the construction of the cinema complex and that historic building walls remain on the site. There is a strong case for archaeological supervision of the demolition / construction phase and suitable conditions are recommended.

The application has been publicly advertised and following representations have been received.

BATH PRESERVATION TRUST: Demolition of the existing buildings is not opposed but consent should not be granted until appropriate redevelopment has been approved.

BATH HERITAGE WATCHDOG: No great resistance to the removal of the existing structures but an objection is lodged based on the loss of Class A1 retail space and a number of aspects of the design. We also have considerable concern regarding the proliferation of applications for hotels within such a short distance of each other, especially given the lack of car parking.

Detailed comments have also been supplied and these are best considered in the context of the parallel planning application.

POLICIES/LEGISLATION

LEGISLATIVE AND POLICY CONTEXT

The main consideration is the duty placed on the Council under S 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.

There is also a duty placed on the Council under S 16 of the Listed Buildings Act to have special regard to the desirability of preserving the setting of any listed building affected by the proposal.

Policies HE 7 & 8 of Planning Policy Statement 5: Planning for the Historic Environment sets out government policy framework, and Appendix 2 to the English Heritage Guidance on conservation area appraisals suggests criteria to be used in assessing whether unlisted structures make a positive contribution to a Conservation Areas special interest. Consideration of the criteria in greater detail is encapsulated in the assessment below.

PPS 1 also sets out the importance of pursuing sustainable planning strategies and the prudent use of new materials. It also sets out a tough stance promoting high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

The Bath & North East Somerset Local Plan including minerals and waste policies adopted October 2007 - Policy BH.7 is relevant in cases where buildings are considered to make a positive contribution to the special character or appearance of a conservation area.

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policy should be considered: Policy B4 relates to the protection of the Outstanding Universal Values of the City of Bath World Heritage Site.

OFFICER ASSESSMENT

ASSESSMENT: There are three main potential heritage assets to be considered: the application buildings themselves, the adjacent listed buildings, and the designated conservation area and the wider World Heritage Site.

THE EXISTING STRUCTURES ON THE SITE: The main buildings on the site appear to have been constructed for warehousing. They tend to reflect the piecemeal nature of the modern developments near the site and do not demonstrate the qualities or characteristics of the dominant architectural character of the city conservation area. The opportunity to construct the current buildings can be attributed to damage suffered during the WWII to a Georgian terrace that stood on the site. The terrace, which was probably the first permanent building on the site, seems to have been demolished without record around 1942. The existing buildings are substantially of post war construction and cannot be regarded as a vital reminder the gradual development of the city. They lack any special landmark qualities or historic associations with notable local people or events. Neither do they reflect traditional or former uses in the area.

The main range fronting Kingsmead Square is utilitarian and slightly diffident in scale and a more thoughtful design could improve upon the existing interface with the public street.

A specialist assessment submitted with the application notes that the risk of bats roosting in the buildings is negligible and that additional surveys are not required.

The most interesting above-ground historic structures are the rubble stone walls found at south end of the site. These are probably fragments of rear boundary walls dating from the time of the Georgian terrace. However, they have been reconfigured over the years and lack architectural or functional details. The applicant argues that as isolated and fragmentary survivals from the pre-Blitz era they are of negligible significance and I would agree with this assessment.

At best, the existing buildings might be regarded as having neutral significance for the conservation area. There is no overriding need for the removal of these buildings but there may be alternative designs that work better.

In cases such as this, as pointed out in the representations received, an unsightly gap in the street scene could pose a difficulty. Before deciding whether to accede to the demolition the local planning authority is entitled to consider the merits of any proposed redevelopment.

REDEVELOPMENT PROPOSALS: The existing buildings do not relate in a historically significant way to the nearby listed buildings. The proposed redevelopment shown in the application is certainly much taller than the existing buildings on the site. However, replacement of the present warehouse has the potential to improve the setting of the adjacent of the neighbouring listed buildings. No representations to the contrary have been received, and it is considered that this is not a determining issue in this instance.

The conservation area context of the site however demands that a sensitive form of redevelopment would be needed. The immediate pattern is varied but clearly falls within the wider context of the dominant Palladian architectural style of the city. In a locality of mixed character, there is an opportunity for a new building to be visibly of its own time, but it is important that it should also strengthen local distinctiveness. The design of a new building on this type of site should not be doctrinaire or driven by architectural dogma. The following comments were submitted on behalf of the Historic Environment Team in response to a consultation the proposals originally shown in the parallel planning application.

As regards the overall scale, bulk and massing the proposed building would have five storeys above ground. These would not significantly challenge the Kingsmead Court flats, the cinema complex or some of the other bulky modern buildings in James Street West. The hotel would be significantly more dominant than the existing warehouse and will be appreciably higher than the labour exchange and houses in Kingsmead Terrace. However, the apparent mass of the new structure is restricted by the significant set back of the top floor at the front and rear facades to create a penthouse roof is important. Also, the provision of giant first floor windows, suggesting a piano nobile, in fact disguises two internal floor levels. The east façade of the hotel block will be visually separated by the division into three 'villas' divided by elements of curtain wall glazing. The curved ground floor footprint at the road junction would echo the old labour exchange.

The service yard exit opposite Kingsmead Terrace is not ideal but is certainly no worse than the current arrangement.

Kingsmead Square is an important nodal point in the city and its informal layout could be enhanced by the provision of a more impressive replacement of the warehouse. The architectural style proposed, which can be regarded as having some affinity with the site's wider setting without slavishly imitating traditional construction, could achieve that objective. The architectural proportions of the proposed building are not strongly rooted in the classical tradition but simple parapets, copings and plat bands serve to give a traditional articulation.

The proposed use of external building materials including natural Bath stone walling in combination with powder coated aluminium frames to the fenestration and glazed walling would seem to be an appropriate response to the context.

In the event that planning permission is granted I would ask that consideration is also given to the imposition of conditions requiring the approval of large scale details of the columns, lighting, flooring and soffit materials forming the proposed colonnade in order that there can be careful control over the interface with the public realm.

It would be most unfortunate if a gap site were left at this site following demolition of the existing structures. I will therefore be recommending that a condition should be imposed on any conservation area consent that requires a contract for the construction of an agreed new development to be in place before works of demolition commence

In the interim, revised designs have been submitted for the planning application. These incorporate minor improvements to the external appearance particularly the elevation fronting Kingsmead North. The penthouse structure facing James Street West has however been pulled forward, closer to the front parapet. I do not find this unacceptable in itself but by matching the exact height of the adjacent cinema, and there being no intervening space, the illusion of a very long and dominant horizontal flat roof will be created. The submitted elevations are of a sketchy nature and it is not easy to be sure of the constructed appearance. The extension of the high level, horizontal feature running down a good length of James Street is however unfortunate.

Overall, the proposed hotel should establish a more suitable presence on the frontage to Kingsmead Square and is sufficient for a positive recommendation to be tendered in respect of the application to demolish the existing buildings.

CONCLUSION

A wrapping up similar that reached last year at the nearby Green Park House site is appropriate. In architectural terms the preservation of the application buildings need not be regarded as sacrosanct. They are not particularly offensive and could probably continue in some form of beneficial use but, on the other hand, they do not provide delight or display special character. The structures themselves are thus not so important that they can be looked upon as a heritage asset.

The removal of the existing buildings would not fundamentally harm the character of the conservation area or the world heritage site if it were followed by a high quality

regeneration. There is therefore no overriding conservation constraint to the demolition of the buildings.

It is proposed that consent for demolition should be agreed. If members are in agreement, it is recommended that a condition should be imposed that requires a contract for the construction of an agreed new development to be in place before works of demolition commence as set out below.

I have considered the need to require recording of standing buildings but having regard to the submitted information, and recommended conditions, I do not consider it necessary to require further documentation to be provided prior to demolition.

RECOMMENDATION

CONSENT with condition(s)

CONDITIONS

1 The works hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 No works for the demolition of part or all of the building shall commence until a valid contract(s) for the redevelopment of the entire in accordance with a valid planning permission, has been let, and notified in writing to the Local Planning Authority.

Reason : To safeguard the character and appearance of this part of the Conservation Area.

3 No works for the demolition of part or all of the building shall take place within the site until the applicant, or their agents or successors in title, has submitted to and had approved by the Local Planning Authority a written method statement providing for a careful manner of demolition that prevents damage to potential below ground archaeological deposits. The method statement shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

Reason: The site is within an area of significant archaeological interest and the Council wishes to prevent unnecessary damage to features beneath the standing building.

4 The demolition hereby granted consent shall only be implemented in accordance with the documents as set out in the plans list below.

Reason: To define the terms and extent of the conservation area consent.

PLANS LIST: This decision notice relates to drawings PL-01, -02, -03, 04 rev A, -05, -06, -07, 8262/1 rev A, and Design and Access Statement, Archaeological Assessment, Bat Risk Assessment, Planning Statement, Statement of Community Involvement, all dated

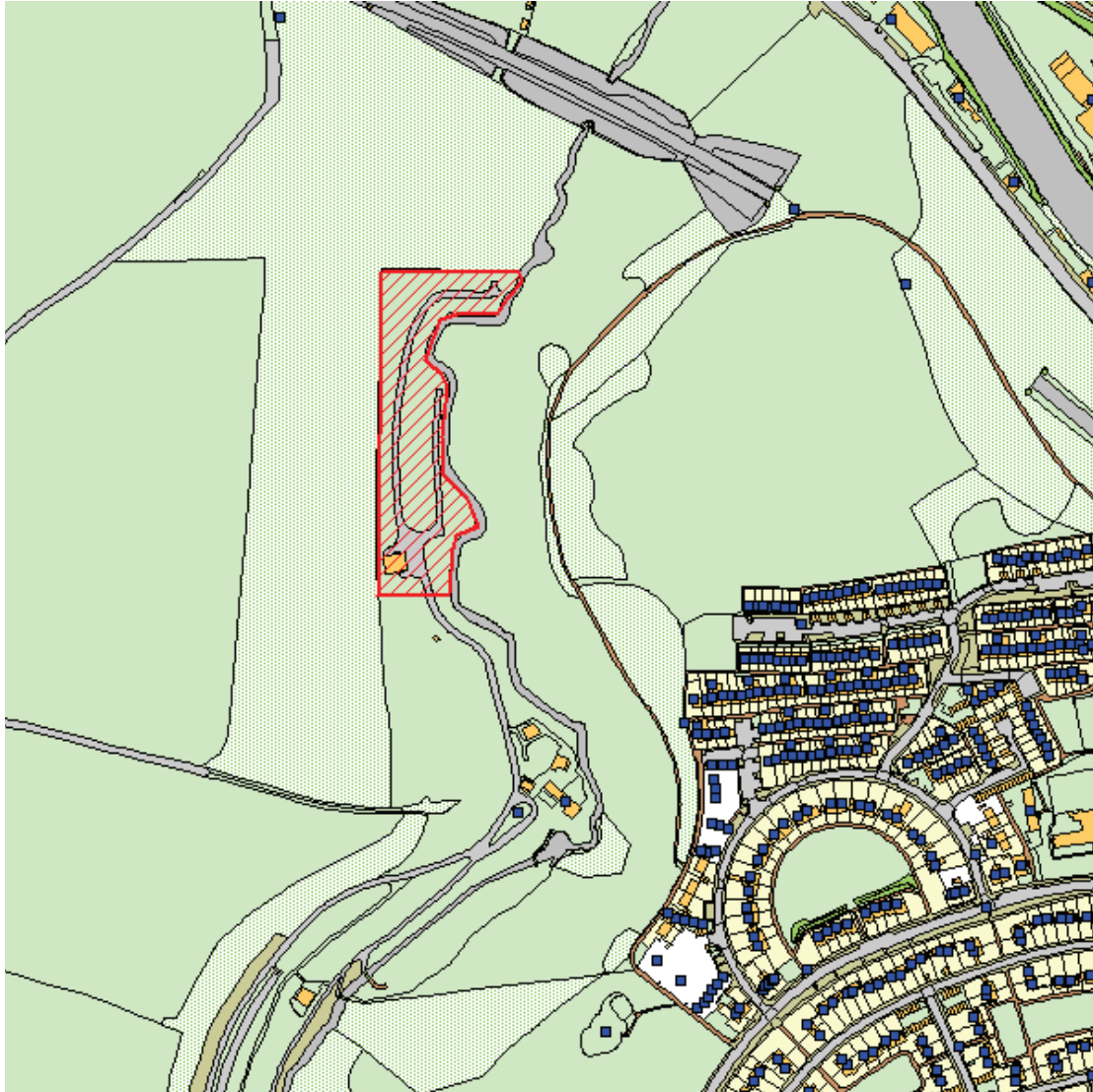
stamped 09 Feb 2011, and Application Summary document date stamped 02 Mar 2011, and drawing PL_10 and Sustainability checklist both date stamped 09 Mar 2011.

Additional papers submitted including First Travel Plan, Flood Risk Assessment (Nolan Associates), Transport Assessment, paper by The Engineering Practice, Plant Noise Assessment, Flood Risk Assessment (MacMullen Associates) and Drainage Strategy drawing SK100 are not considered directly relevant to this application and have not been taken into consideration.

REASONS FOR GRANTING CONSENT

The decision to grant consent subject to conditions has been made in accordance with 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 decision is also generally consistent with Planning Policy Statement 5: Planning for the Historic Environment, and has taken into account the views of third parties. Provided an acceptable redevelopment of the site follows on immediately, the Council considers the proposals will preserve or enhance the character of the Conservation Area and World Heritage Site.

Item No: 04
Application No: 11/00659/FUL
Site Location: Newton Mill Caravan And Camping Site, Pennyquick, Newton St. Loe, Bath



Ward: Bathavon West **Parish:** Newton St. Loe **LB Grade:** N/A

Ward Members: Councillor David John Veale

Application Type: Full Application

Proposal: Siting of 17no. static caravans to replace 28no. caravan pitches.

Constraints: Agric Land Class 1,2,3a, Coal fields, Coal - Standing Advice Area, Floodplain Protection, Flood Zone 2, Flood Zone 3, Forest of Avon, Greenbelt, Hotspring Protection, Regionally Important Geological Site RIG, Public Right of Way, Sites of Nature Conservation Imp (SN), World Heritage Site,

Applicant: Darwin

Expiry Date: 20th June 2011

Case Officer: Jonathan Fletcher

REPORT

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a site located within the Bath World Heritage Site, Bristol/Bath Green Belt, the designed floodplain and a Site of Nature Conservation Importance (SNCI). The application seeks planning permission for the siting of 17 static caravans to replace 28 caravan pitches. The caravans are designed with pitched roofs and would be finished with timber boarding to the exterior walls and felt shingles to the roof. Two sizes of caravans are proposed: Type A would provide 3 bedrooms and would have a footprint of 12.0 metres x 6.0 metres. Type B would provide 2 bedrooms and would have a footprint of 12.0 metres x 4.8 metres.

Relevant History:

WB3631/E - Creation of a camping site for tents and touring caravans only - Approved 31 July 1980.

WB3631/H - Creation of a camping site for tents and touring caravans only - Approved 24 March 1981.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

NEWTON ST LOE PARISH COUNCIL: The Parish Council have confirmed that the application is supported. The comments relate to the risk from flooding and do not present any planning reasons to support the application. In accordance with the Council's scheme of delegated it is not necessary to refer the application to the Chairman of the Committee.

ECOLOGY: An objection is raised to the application as insufficient information has been submitted to assess the ecological impact of the proposal.

HIGHWAYS: No comment

ENVIRONMENTAL HEALTH: No objection

WESSEX WATER: The applicant is advised of relevant legislation which will affect sewer connections.

ENVIRONMENT AGENCY: An objection is raised to the application as the submitted flood risk assessment does not comply with PPS25.

REPRESENTATIONS: None

POLICIES/LEGISLATION

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.1: Impact of development on World Heritage Site of Bath or its setting

GB.1: Control of development within the Green Belt

GB.2: Visual amenities of the Green Belt

NE.9: Locally important wildlife sites

NE.10 Nationally Protected Species and Habitats

NE.11 Locally Important Species and their habitats

NE.12 Natural Features
NE.14: Flood Risk
NE.15 River Corridors

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Planning Policy Guidance 2: Green Belts 1995
Planning Policy Statement 25: Development and Flood Risk 2010

Consideration has also been given to the Bath & North East Somerset Draft Core Strategy December 2010 however only limited weight can be attached to this document until it is formally adopted.

OFFICER ASSESSMENT

The primary issues to consider when determining this application relate to the principle of the use of the site for static caravans, the visual impact of the development, ecology and the impact on flood risk.

PRINCIPLE OF THE USE: The site currently benefits from planning permission which was granted in 1980 (WB3631/E) which permits the operation of a campsite for tents and touring caravans only. Condition 6 of this planning permission confirms that 'Touring caravans only shall be placed on the pitches indicated and no caravan shall be used for permanent residential occupation.' The current application seeks planning permission for the siting of 17 static caravans in the place of 28 touring caravan pitches which would fall outside of the parameters of the extant planning permission.

Part 1 section 29(1) of the Caravan Sites and Control of Development Act 1960 provides the following definition of a caravan:

'...any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted...'

In light of the definition above it is noted that the current proposal is distinct from an application for a new building but is instead a proposal for a change of use. Policy GB.1 confirms that '...material changes of use of land which maintain the openness of the Green Belt and do not conflict with the purpose of including land in it' does not constitute an inappropriate form of development within the Green Belt. Although further consideration needs to be given visual impact on the openness of the Green Belt and the character of the area, the siting of static caravans in this location is deemed to be acceptable in principle.

VISUAL IMPACT: The existing touring caravan pitches are positioned to the north of the campsite within a valley adjacent to the Newton Brook. This part of the campsite is set at a low level and is not visible from the surrounding area. The touring pitches are laid out along two service roads which follow the curve of the valley however this would be replaced by a single service road with a spur to serve the static caravans.

The proposal is considered to preserve the openness of the Green Belt and the rural character of the area. It is noted that the site is located in a secluded position within the landscape and is currently used for touring caravan pitches. Whilst the proposal would increase the permanence of development at the site this is deemed to be offset by the reduction in the number of pitches. In terms of their design, the use of timber to the external walls would be an appropriate material to be used within this woodland setting. The units would be of an acceptable scale and the resulting layout could be adequately accommodated within the site. Therefore, no objection is raised to the proposal on this basis.

ECOLOGY: The Council's Ecologist has raised an objection to the proposal as there has been no ecological survey or assessment submitted with the application. It is noted that the static caravans are proposed to be sited in close proximity to the adjacent SNCI watercourse. Any works therefore may have an adverse impact on wildlife in the area and consequently is recommended that planning permission should not be issued until the relevant assessments have been undertaken.

FLOOD RISK: A consultation has been sent to the Environment Agency as the application site is located within flood zones 2 and 3. The Environment Agency have raised an objection to the application as the flood risk assessment which has been submitted is considered to be contrary to the guidance set out in PPS25. The current use of the site and the effect of the of siting of static caravans has been assessed with the following conclusion being drawn: The proposal is sought to extend the holiday season and therefore this may lead to the site being used in the winter months where the risk from flooding is higher. The proposed layout of the site does not take account of the areas at a higher risk of flooding. No information has been submitted in relation to the loss of floodplain storage or finished floor levels for the units. The information relating to flood warning and evacuation is inaccurate. In light of the above, the proposal is deemed to be contrary to policy NE.14 and the guidance set out in PPS25.

CONCLUSION: The change of use of the site to allow the siting of static caravans does not constitute an inappropriate form of development within the Green Belt. The development would be sited in a secluded position which would not have an adverse impact on the visual amenity of the area. The ecological impact of the proposal and the flood risk associated with the site has not been sufficiently addressed within the application. Therefore the application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

REASON(S) FOR REFUSAL

1 The proposed development would be located in close proximity to an Site of Nature Conservation Importance and insufficient information has been submitted to determine the ecological impact of the proposal. The application is therefore contrary to policies NE.9, NE.10, NE.11, NE.12 and NE.15 contrary to the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

| | |
|----------------------|---|
| Proposal: | Erection of new dwelling from existing access on land adjacent to Laburnum Cottage |
| Constraints: | Agric Land Class 1,2,3a, Conservation Area, Forest of Avon, Greenbelt, Housing Development Boundary, Tree Preservation Order, |
| Applicant: | Jeff Gillingham |
| Expiry Date: | 5th January 2011 |
| Case Officer: | James Jackson |

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Request by Councillor Kew, when he was Chairman of the Committee, by reason that a similar nearby site was considered by Committee (reference 10/03943/OUT).

DESCRIPTION OF SITE AND APPLICATION:

The site is located within the Green Belt and Conservation Area within the developed area of Corston.

The site is a level backland plot enclosed on all boundaries by existing residential plots. There is a narrow track from the main part of the site which facilitates access to The Barton. The site is currently overgrown with vegetation.

The proposal is for the erection of a two storey five bedroom detached dwelling. The main bulk of the dwelling would have two hipped gable ends projecting from the principal elevation in a north westerly direction. The proposed materials are natural stone to the external walls, red pantiles to the roof and painted hardwood windows and doors.

The existing trees would be heavily pruned and new boundary planting introduced at the north east and north west boundaries. In respect of the boundary between the proposed access and adjacent Laburnum Cottage; a 1200mm high wall is proposed for the first 5m from the road, with natural hedge planting to the remainder.

PLANNING HISTORY:

W.B. 7707 - Erection of dwellinghouse at Laburnum Cottage, Corston - Refused August 1980, Appeal dismissed

W.B. 7707/A - Erection of private dwellinghouse at Laburnum Cottage, Corston, with new access to Goold Close - Permitted December 1980

W.B. 7707/B - Construction of new access to serve the proposed dwelling granted outline planning approval W.B. 7707/A dated 31 December 1980 at Laburnum Cottage, The Barton, Corston - Refused December 1981

W.B. 7707/C - Erection of dwelling at Laburnum Cottage, The Barton, Corston - Withdrawn January 1984

W.B. 7707/D - Erection of private dwellinghouse at the rear of Laburnum Cottage, Corston and the widening of the existing access to The Barton, Corston, Bath - Refused March 1983

W.B. 7707/E - Repositioning of gate pillar, widening of existing access to serve both the building plot and 'Laburnum Cottage' - Refused September 1983

W.B. 7707/F - The widening of existing access and removal of existing gates making a clearway to the entrance to building plot on land adjoining Laburnum Cottage - Refused December 1983

W.B. 7707/G - Renewal of outline planning permission no. W.B. 7707/A dated 31 December 1980 for the erection of a private dwellinghouse and new access to Gould Close - Permitted May 1984

W.B. 7707/L - Renewal of planning permission no. W.B. 7707/G dated 16 May 1984 for the erection of a dwellinghouse and new access to Gould Close - Permitted July 1987

W.B. 7707/M - Residential development using existing drive to The Barton on land between The Barton and Gould Close - Refused July 1988

W.B. 7707/N - Residential development and widening of existing access on land, to the rear of Laburnum Cottage, between The Barton and Gould Close - Refused January 1989, Appeal dismissed

W.B. 7707/O - Demolish section of a front wall at Laburnum Cottage - Refused January 1989, Appeal allowed

Lower Meadow, The Barton, Corston, Bath

10/03943/OUT - Erection of new 3-bedroom dwelling - Approved by Development Control Committee December 2010

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT: No objection subject to appropriate conditions being attached. No objection in principle to residential development at this location. The Barton is not up to modern standards, however Manual for Streets 2 allows a more relaxed approach to road capacity. Further, recent research suggests no relationship between poor visibility and road safety. An objection would therefore be difficult to sustain.

ARBORICULTURE: Not acceptable in its current form. Layout of proposal or submitted Design & Access Statement does not reflect any arboricultural impact. Implications of the proposed layout and condition, quality and future management of trees has not been considered. Submission does not include a tree survey or Arboricultural Impact Assessment to determine whether the retention of those trees is desirable, logical or realistic.

BUILDING CONTROL: First floor bedroom windows should be suitable for emergency egress.

CORSTON PARISH COUNCIL: Objection. Unacceptable example of backland development. Out of character with area known as 'The Barton'. Compromises privacy of

many neighbouring properties. Highway concerns regarding increased use of The Barton and proposed driveway adjacent to Laburnum Cottage.

REPRESENTATIONS: Ten objections have been received in respect of the proposals. The following issues have been raised:

- Loss of privacy
- Highways safety concerns
- Noise and pollution would increase
- Out of character with locality
- Unacceptable in Green Belt
- Unacceptable in Conservation Area
- Site is not previously developed land
- Submitted plans are inaccurate
- Previous appeal decisions are still relevant
- Adverse impact on trees
- Loss of light
- Potential increase in crime
- Possible multiple occupancy in the future
- Overdevelopment of site

In the addition to the above a request has been made by Councillor Sally Davis that the application be considered by Committee in the event that a recommendation to permit is made. This request is made on the basis that the reasons for previous applications being refused and dismissed at appeal are still relevant, particularly in respect of access, impact on adjacent properties and visual impact.

POLICIES/LEGISLATION

Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007

The following policies are relevant in this case:

- HG.6 Residential development in the R.3 settlements
- GB.1 Control of development in the Green Belt
- GB.2 Visual amenities of the Green Belt
- BH.6 Development within or affecting Conservation Areas
- NE.4 Trees and woodland conservation
- D.2 General design and public realm considerations
- D.4 Townscape considerations
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

- CP8 Green Belt

OFFICER ASSESSMENT

INTRODUCTION: The primary issues in the consideration of the application are the acceptability of the principle of development and the impact on the Green Belt; the Corston Conservation Area; the amenities of the occupiers of nearby sensitive premises; highway safety and the existing trees on the site.

PRINCIPLE OF DEVELOPMENT: Corston is classified as an R.3 Rural Settlement by Policy SC.1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007 (hereafter referred to as the Local Plan). Policy HG.6 of the Local Plan provides 'in principle' support for residential development within R.3 settlements if;

- i) it is infilling, or represents the sub-division of an existing dwelling or its replacement within the same site, or it involves the conversion of a non-residential building; and
- ii) it lies within the defined housing development boundary.

Infilling is defined within the glossary to the Local Plan as;

The filling of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. The plot will generally be surrounded on at least three sides by developed sites or roads.

Whilst the site is surrounded on at least three sides by developed sites the proposed dwelling would not occupy a vacant plot in an otherwise built up frontage. Rather, the site represents a backland site with the access from The Barton being the only element that forms part of the built up frontage. Further, the proposals do not represent the sub-division of an existing dwelling or the conversion of a non-residential building and do not therefore satisfy the requirements of part i.) of the policy.

The site lies within the defined housing development boundary of Corston and the proposals therefore satisfy part ii.) of the policy.

Given that the proposals do not satisfy part i.) of Policy HG.6 the principle of residential development at the site is unacceptable.

GREEN BELT: Policy GB.1 of the Local Plan makes provision for infilling in accordance with Policy HG.6. Given that the proposals do not satisfy the requirements of Policy HG.6, as discussed above, the residential development of the site represents inappropriate development within the Green Belt and is therefore harmful by definition.

Policy GB.2 seeks to protect the Green Belt from development that would be visually detrimental by reason of siting, design or materials used. Whilst the erection of a dwelling would result in a reduction in the openness of the site this issue must be considered in the context of the surrounding area. There are no concerns in respect of the impact on openness, by reason that the site is surrounded by existing residential dwellings.

In summary, whilst there is no negative impact on openness this cannot outweigh the harm caused to the Green Belt by reason that the proposals represent inappropriate development and are therefore unacceptable in principle.

CONSERVATION AREA: Development must preserve or enhance the character or appearance of the Conservation Area. Corston Conservation Area comprises a mixed character of large detached family dwellings set within generous plots; modest scale cottages and pockets of open green space. It is noted that there is also evidence of recent development within the village; however this does not generally form part of the Conservation Area.

The site is a large backland plot which is more similar in character to the plots to the immediate west and on the south side of The Barton than the cottages to the east. It is therefore appropriate to propose a single detached dwelling for the site.

There are, however, concerns in respect of the detailed design of the proposals and the resultant impact on the Conservation Area. Whilst the use of natural stone for the external walls, red pantiles for the roof and hardwood doors and windows is acceptable, the architectural form of the proposed dwelling is overly complicated and would result in an unsympathetic addition to the existing built form of the area which is largely of traditional and simple form. In particular, the non-uniform ridge height to the dwelling results in an awkward appearance and unbalanced front and rear elevations. Further, the differences in the heights of the eaves result in a complicated roof profile which is exacerbated by the hips and half hips to the end elevations and projecting gables.

For the reasons discussed above, whilst the principle of a large detached dwelling is sympathetic to the existing built form the design concerns would result in the erosion of the character and appearance of the Corston Conservation Area.

RESIDENTIAL AMENITY: Given that the site is surrounded by existing dwellings the impact on the amenities of the occupiers of these dwellings is of concern. The first floor windows to the rear elevation would directly overlook the rear curtilages to the east of the site and would compromise the privacy enjoyed at these properties to an unacceptable degree. It is noted that there is also a degree of overlooking to the west and south of the site, however due to the orientation of the dwellings the impact is not serious such that planning permission should be refused on this basis alone.

It is noted that the objections received raise other concerns relating to amenity, however whilst these issues have been given due consideration they would not result in an unacceptable impact on amenity.

In summary, the design of the proposed dwelling would result in overlooking to the residential curtilages to the east and would cause unacceptable harm to the amenities of the occupiers of these properties.

HIGHWAYS ISSUES: The Highway Development Officer has advised that there is no objection to the proposals subject to appropriate conditions being attached to any planning permission. The Officer considers that the principle of residential development at the site is acceptable given its sustainable location. It is recognised that The Barton is not up to modern highway standards however the addition of 1no. dwelling would not have an unacceptable impact on highway safety. Further, the Officer recognises that the junction between The Barton and Corston Lane suffers from a lack of visibility but notes that recent research indicates that there is little connection between poor visibility and highway safety.

Given that the Highway Development Officer has not objected to the proposals it would be difficult to defend a refusal on highways grounds at appeal and there are therefore no concerns in this regard.

ARBORICULTURE: There are numerous existing trees on the site, however no tree survey has been submitted as part of the proposals. Instead, the Design and Access Statement states that the 'existing trees would be heavily pruned back, reduced in height and thinned.' The Senior Arboricultural Officer advises that the proposals detail a mature Sycamore in the rear garden which would require substantial pruning, a Poplar which has been colonised by Mistletoe and a Holly in close proximity to the proposed parking area.

Given that no tree survey has been submitted it is not possible to determine if the proposed layout of the site is acceptable, or if the retention of the trees as shown is possible.

OTHER MATERIAL CONSIDERATIONS: It is noted that outline planning permission was granted by the Development Control Committee in December 2010 for the erection of a detached dwelling on a site that is similar in character approximately 50 metres to the west, reference 10/03943/OUT. It is considered that this permission does not set a precedent that outweighs the harm that would result from the current proposal.

CONCLUSION

For the reasons discussed above the principle of residential development at the site is unacceptable. Further, the proposals represent inappropriate development in the Green Belt and would therefore be harmful to the Green Belt by definition; would detract from the character and appearance of the Corston Conservation Area; would cause unacceptable harm to the amenities of the occupiers of nearby dwellings and do not demonstrate that the existing trees that make a positive contribution to the locality can be successfully retained and subsequently protected.

Whilst there is no objection to the proposals in highways terms there are no benefits that outweigh the harm that would be caused in other respects. On balance it is therefore recommended that planning permission be refused.

RECOMMENDATION

REFUSE for the following reasons:

REASON(S) FOR REFUSAL

1 The proposed detached dwelling does not fall within the definition of infilling and therefore represents inappropriate development within the Green Belt and would be harmful by definition. In the absence of very special circumstances to outweigh this harm the proposals are contrary to Policies GB.1 and HG.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

2 The proposed detached dwelling, by reason of its unacceptable architectural form, would detract from the character and appearance of the Corston Conservation Area. The proposals are therefore contrary to Policy BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

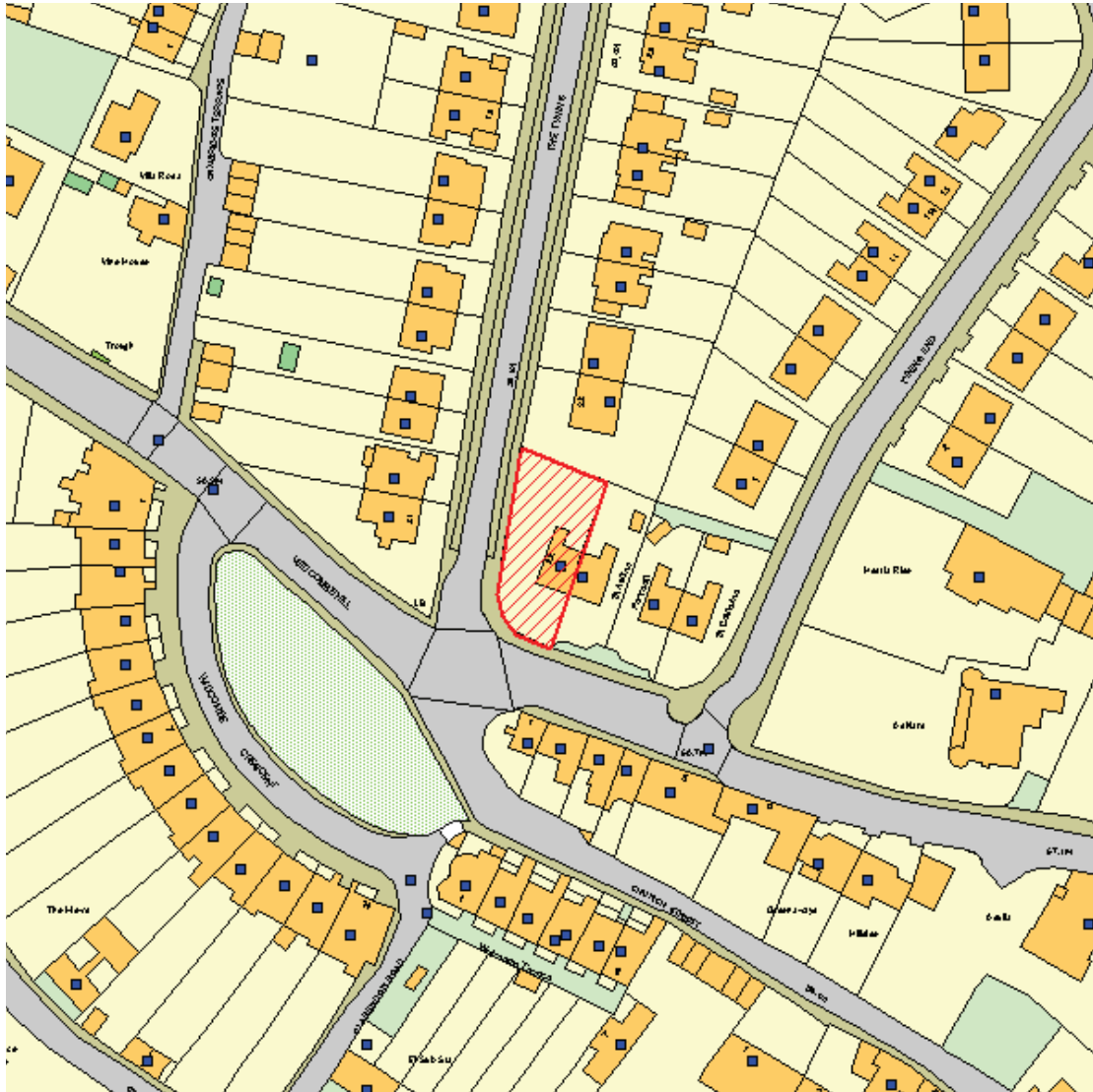
3 The proposed detached dwelling, by reason of the first floor windows to the rear elevation, would result in increased overlooking to the residential curtilages to the east of the site, causing unacceptable harm to the amenities of the occupiers of these dwellings. The proposals are therefore contrary to Policy D.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

4 The proposed detached dwelling, by reason of the absence of an Arboricultural Survey in accordance with BS 5837:2005, fails to demonstrate that the existing trees are capable of retention as part of the development. The proposals are therefore contrary to Policy NE.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

PLANS LIST:

1 This decision relates to drawing nos. 792-PL100, 792-PL101 and site location plan date stamped 18 October 2010.

Item No: 06
Application No: 11/01517/FUL
Site Location: 22 The Tying, Widcombe, Bath, Bath And North East Somerset



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor I A Gilchrist Councillor Ben Stevens
Application Type: Full Application
Proposal: Erection of side and back extension, internal alterations to provide flexible family property, landscaping and formation of drive and parking area, general upgrading of services, insulation levels and existing windows
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Mr Nigel Dando
Expiry Date: 28th June 2011
Case Officer: Victoria Griffin

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: This application has been called to Committee by Councillor Gilchrist. After discussions with the Chair of the Committee it was agreed this application should be determined at Committee.

DESCRIPTION OF SITE AND APPLICATION: The property is a simple, 1930's semi-detached property located on a prominent corner of The Tynning and Widcombe Hill. The property itself has an elevated position and unlike others has a particularly exposed side elevation which forms the entry point into the street facing onto Widcombe Hill. Widcombe Hill is situated on a steep gradient where housing forms a stepped pattern with open views to the west. In close proximity are buildings of notable character including a number of Listed Buildings, the prestigious Widcombe Crescent and on the opposite side of The Tynning are imposing Victorian villas some of which face onto the side elevation of no.22. The garden areas wrap around from the front to the side with a modest rear garden area.

The application relates to the erection of side and rear extension, internal alterations, landscaping and formation of drive and parking area, to include general upgrading of services, insulation levels and existing windows. From the front elevation the extension would project to the side by approximately 5m which would almost double the ground floor of the existing house in width. The design includes a catslide roof profile that continues the hip of the existing roof to a depth of approximately 3m further than the existing house. Detailing includes a porthole window on the front elevation and a new ladder glazing to the first floor. On the ground floor is a large window opening which is not a feature of the existing fenestration. The side elevation includes an expansive roof slope with four velux type windows proposed that would be tiled in double roman clay tiles to match the existing roof. The side extension includes a rainwater buffer trough to run the full depth of the house with planting. To the rear the extension includes an unequal pitched roof design that would project by approximately 3m from the rear of the dwelling. Planting and landscaping is also proposed to the boundary facing Widcombe Hill and The Tynning. Materials proposed include Bath stone for external walls and double roman clay tiles to match the existing. Windows are proposed as replica crittal windows finished in white and doors proposed in timber with double glazed inserts.

The site falls within the Conservation Area and World Heritage Site. It is also situated in close proximity to a number of Heritage assets including grade I and II listed buildings and is viewed in the wider context of Widcombe Hill.

PLANNING HISTORY:

00/01149/FUL - Refused - 27 July 2000 - Proposed alterations and extensions to existing dwelling

01/01911/FUL - Refused - 30 November 2001 - Proposed alterations and extensions to existing dwelling (Revised proposal)

03/01458/FUL - PERMIT - 19 August 2003 - Single storey extension and alterations to existing residential dwelling

08/00935/FUL - PERMIT - 2 May 2008 - Erection of a single storey extension and alterations to existing residential dwelling (Renewal of planning permission 03/01458/FUL dated 14 August 2003)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: No objection subject to conditions

DRAINAGE: No proposals for surface water discharge have been submitted. Applicant to make sure that there are sufficient provisions for surface water discharge arising from the proposed redevelopment.

REPRESENTATIONS: Two letters of objection received from neighbouring properties (summarised):

- Loss of light
- Massing inappropriate for the size and design of the pair of semi-detached properties, the property is in a highly visible position on the corner of the Tynning and the proposal has an influence on the buildings setting.
- Significant reduction of the amenity for the property and the loss of protective hedging which shields both properties.
- Previous refusals in the local area and impact on the setting
- Overlooking and loss of privacy
- Existing house present a coherent appearance on Widcombe Hill
- Design and size would destroy integrity of existing buildings
- Concern with design and glazing proposed to the front
- Siting of site notice to the front should be repositioned to The Tynning

BATH PRESERVATION TRUST: This application does not contain enough detail to make a proper assessment of the impact on the local townscape and character and appearance of the conservation area. Materials which would affect the appearance of the development have not been specified in detail. It is important that the details of materials are submitted in support of this proposal rather than determined by a condition of any permission, as this does not allow for appropriate public notification. This application is not acceptable in its current form and we would encourage the LPA to obtain further information from the applicants.

WARD MEMBER: Cllr Gilchrist request received 26th May 2011 (summarised) - Supports for the following reasons -

- The scale of the enlargement seems proportional to the original building and in scale with similar improvements in the same area
- Informed there are other examples in Bath that are similar

- Inconsistencies in the pre-application advice given
- The application itself concerns a number of sympathetic changes to a property that is crying out for improvement
- Would like the application to be considered by Committee.

POLICIES/LEGISLATION

BATH & NORTH EAST SOMERSET LOCAL PLAN: At the meeting of the Council on 18th October 2007, the Bath and North East Somerset Local Plan, including minerals and waste policies was adopted. The following policies are material considerations (summarised):

D.2 - Considers design issues and residential amenity - The context of this policy relates to the impact of development on the public realm in terms of how they connect with existing development and how the layout of the built form, influenced by design, can impact upon the public realm. Part f) states that development will only be permitted if the proposed development will not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, or increased overlooking, noise, smell, traffic or other disturbance.

D.4 - Considers townscape considerations - which relate more to the visual aspects of development rather than the more functional public realm issues. This seeks to consider the wider context and immediate setting; pattern of streets, buildings and spaces in terms of form and structure considering scale, height and massing.

BH.1: Impact of development on World Heritage Site of Bath or its setting - Development which would harm the qualities which justified the inscription of Bath as a World Heritage site or will harm its setting will not be permitted.

BH.6: Development within a Conservation Area - development within or affecting a Conservation Area will only be permitted where it preserves or enhances the character or appearance of the area, in terms of size, scale, form, massing, position, suitability of materials, design and detailing.

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

B4 - The World Heritage Site and its setting

CP6 - Environmental quality

DW1- District-wide spatial Strategy

Planning Policy Statement: 5 - Planning for the Historic Environment

OFFICER ASSESSMENT

The key issues relate to the impact of the proposal on residential amenity, the host building, street scene and it's setting within the Conservation Area and WHS.

IMPACT ON HOST BUILDING, STREET SCENE AND SETTING IN CONSERVATION AREA AND WORLD HERITAGE SITE: The side elevation and garden areas of the host building form an entry point to The Tynning from Widcombe Hill. The site's relationship with

the wider context is contributed to by its position and prominence. The application property forms one half of a semi-detached two storey house, where there is an identical pair of semi-detached houses (Portreath and St Catherine, Widcombe Hill) situated immediately to the east. These houses, and in particular the host building, due to their prominent location, scale and appearance make a significant contribution to the character and appearance of this part of Widcombe Hill/The Tynning.

The extensions proposed to 22 The Tynning would wrap around the side to the rear of the property and incorporates a dominant cat slide roof profile that would project to the side of the building running parallel to the road. The proposed design includes a planted trough that would run along the depth of the existing house projecting to the rear extension. When viewed from the street the roof slope and size of the extension would form a dominant feature that would represent a disproportionate addition to the dwelling when viewed in the context of the street scene. Whilst it is acknowledged that planting can provide screening it is considered that the retention of planting and additional landscaping to the boundary would not overcome the prominence of the extensions and it's undesirable appearance to warrant support. The proposal includes alterations to the side garden where levels presently slope away from the host building down towards the public highway. There is no clear indication on the drawings of finished ground levels but the proposed construction works are likely to amount to the excavation of the ground to such an extent that it would lead to a greater bulk of building that would be highly visible from the public realm.

The host building has a close relationship with the wider setting and public realm in this part of Widcombe Hill and The Tynning by reason of its elevated position within the street. By reason of the scale and appearance of the proposed extension it is considered not to be sympathetic to the character and appearance of both the host building or this part of The Tynning and Widcombe Hill and would cause an unacceptable loss of character to this part of the Conservation Area and the World Heritage Site.

IMPACT ON RESIDENTIAL AMENITY: With reference to concerns raised by neighbours concerning the loss of light to ground floor accommodation caused by the height and position of the rear element of the proposal, the extension would be approximately 3.5m from the boundary with St Aubin, the nearest neighbour. The eaves height of the extension would be approximately 4.2m raising to 6m that would slope away from the neighbouring property. Due to the design and position of the extension it is not considered that the proposal would cause significant harm to residential amenity to warrant a refusal on this basis.

OTHER: The applicant's Agent has cited precedents within the City of Bath. Nevertheless what may be appropriate in one location may not be considered to be in another. This property is severely constrained by its elevated and prominent position on the junction with Widcombe Hill in close proximity to heritage assets. Therefore the arguments made do not serve to justify the current proposal, which must be considered on its individual merits.

CONCLUSION: The proposal is recommended for refusal by reason of its proposed siting, massing and design which would be harmful to the character and appearance of the dwelling and its setting. The proposal is not considered to preserve the character or appearance of the Conservation Area and would be harmful to the setting of the World Heritage site.

RECOMMENDATION

REFUSE for the following reasons:

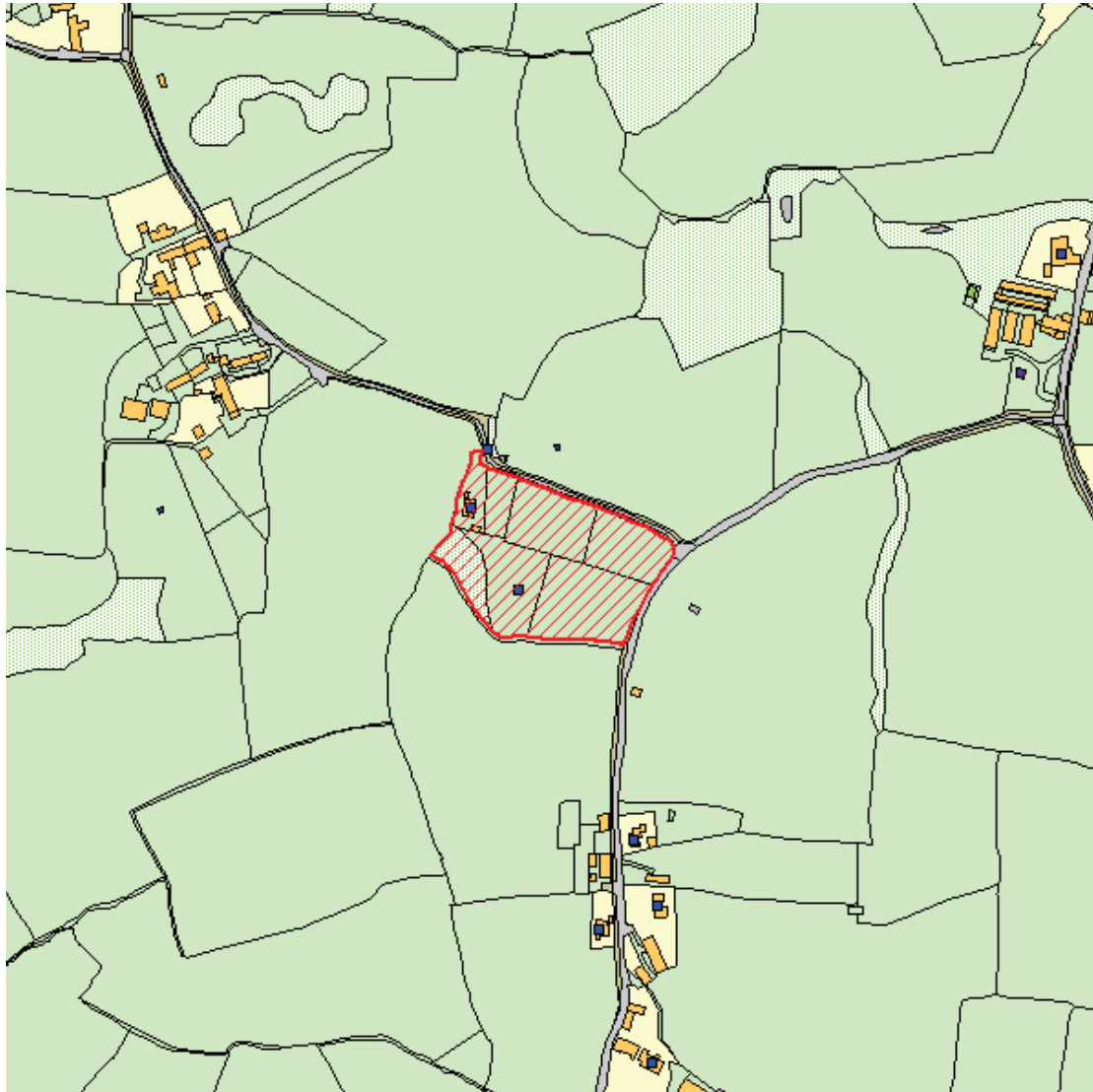
REASON(S) FOR REFUSAL

1 The proposed extensions by reason of their scale, massing and siting would form an incongruous addition to the host building that would have a detrimental impact upon the street scene and the character and appearance of the Conservation Area and World Heritage Site contrary to Local Plan policy BH1, BH6, D2 and D4 of the Bath & North East Somerset Local Plan (including minerals and waste polices) adopted October 2007.

PLANS LIST: This decision relates to the following plans and details:

Location plan, Site plan, Aerial view of property, Photographs, Design & Access Statement, Existing ground floor & site plan, Existing ground, first and attic first floor plans, Existing elevations, Proposed ground floor plan, Proposed site plan, Proposed first floor plan, Proposed second (attic) floor plan, Proposed side elevation, Proposed front and back elevation, Perspective sketch of oblique front view, Side elevation from The Tynning, Perspective sketch of back view and Planning provenance date received 03/05/11

Item No: 07
Application No: 10/05014/FUL
Site Location: Stables, Butcombe Lane, Nempnett Thrubwell, Bristol



Ward: Chew Valley South **Parish:** Nempnett Thrubwell **LB Grade:** N/A
Ward Members: Councillor V L Pritchard
Application Type: Full Application
Proposal: Retention of stable block, field shelter, hay store, hard-standing, lean-to and secure tack room and siting of tractor, trailer, horse box and touring caravan and change of use of land to equestrian.
Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Public Right of Way, Water Source Areas,
Applicant: Mr James Livingstone
Expiry Date: 25th May 2011
Case Officer: Richard Stott

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The Local Member has requested the application to be presented to DCC and the Parish Council have objected to the application, contrary to the recommendation of the case officer.

DESCRIPTION OF SITE AND APPLICATION:

This application relates to a site located immediately on Bath & North East Somerset's and North Somerset's administrative boundary to the west of Nempnett Thrubwell within the Bath and Bristol Green Belt. The site forms the northern most field of the Mendip Hills Area of Outstanding Natural Beauty with the boundary running adjacent to Butcombe Lane. Temporary permission was granted in 1999 for a detached stable block, field shelter, hay store and hard standing, this permission was renewed in 2004 however lapsed in September 2009, since which time the use of the site has been unauthorised.

This application seeks permission for the permanent retention of the stable block, field shelter, hay store, hard-standing, lean-to and secure tack room and in addition permission is sought for the siting of a tractor, trailer, horse box and touring caravan as well as the change of use of land to equestrian use.

RELEVANT HISTORY

- 04/02635/REN - Retention of stable block, field shelter, hay store and hard-standing - PERMITTED (Expired 31st September 2009)
- 99/02670/FUL - Detached stable block, field shelter, hay store and hard-standing as amended by letter and drawing received 20th August 1999 - PERMITTED

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION:

BUTCOMBE PARISH COUNCIL: OBJECT

- Existing buildings are unsightly
- Access in a dangerous location on a double bend
- Caravan on site is in poor repair and unsightly.

NEMPNETT THRUBWELL PARISH COUNCIL: OBJECT

- Present site is extremely untidy its appearance is to the detriment of the Area of Outstanding Natural Beauty.
- Frequent burning of business waste on the site
- Persistent breaches of previous planning conditions.
- The footpath crossing the field is often obstructed.
- Vehicular access to the site is difficult
- Concern over the increase in vehicle use if the application is allowed.

NORTH SOMERSET COUNCIL: NO OBJECTION

HIGHWAY DEVELOPMENT: NO OBJECTION

- On the basis that the land is being used for equestrian use, and the majority of the proposed buildings etc. have previously been approved, there are no grounds for a

highway objection to the proposal, subject to the caravan being used only for shelter, and not for residential accommodation.

- Recommend Restriction on the caravan to avoid it becoming residential

MENDIP HILLS AREA OF OUTSTANDING NATURAL BEAUTY UNIT: CONCERNS

- Untidy nature of the current site
- Effective and appropriate management of rubbish would reduce the impact of the current use of the site
- Extent of equestrian related buildings would inevitably lead to a visual impact on the character of the Area of Outstanding Natural Beauty, particularly from the adjacent public footpath.
- Reports of burning of waste on site raises considerable concern. Detracts from the area, cause of pollution and possibly illegal.

LAND DRAINAGE: NO OBJECTION

REPRESENTATIONS:

2x Letters of Objection Received Raising the Following Issues:

- Siting of the caravan and children's climbing frame give the impression of a domestic residential use.
- Frequent disposal of business waste takes place on site including the dumping and burning of polystyrene and plastic.
- Public footpath crosses the site.
- The submitted photographs do not show the caravan or other non- equine activities but do give an indication as to the state of the site.
- Site is contrary to the Mendip Hills AONB which quote from PPG.7 where it states that horse based developments need to be of a high standard of design, construction and maintenance.
- The advice from PPG.7 has been replaced by PPS.7 but the guidance given is sound.
- Site and its appearance are harmful to the AONB.
- Further development would make the site visually worse.

In response to the above objections, the applicant has made the following comments:

- Cosmetic repairs to the stables have been put on hold until the planning has been sorted out.
- Bonfires and burning on site related to destroying bedding from two sick ponies. Cause of the sickness was not found but can be confirmed by Tibbs and Simmons Vet of Redhill who carried out tests at the site. Burning of the waste was a necessity to avoid bio-transfer.

POLICIES/LEGISLATION

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

- D.2 General Design and Public Realm Consideration
- D.4 Townscape Consideration
- NE.2 Area of Outstanding Natural Beauty
- GB.1 Green Belt
- GB.2 Openness of the Green Belt
- T.24 Access

SUBMISSION CORE STRATEGY, MAY 2011 (The submission core strategy is a key material consideration but at this stage it has limited weight)

- CP8 Green belt
- Policies T.24, NE.2, GB.2, D.2 and D.4 are Saved Local Plan Policies

SUPPLEMENTARY PLANNING GUIDANCE

- Mendip Hills Area of Outstanding Natural Beauty Supplementary Planning Guidance: Guidelines for Horse Related Development

NATIONAL POLICY

- PPG.2 Green Belts
- PPS.7 Sustainable Development in Rural Areas

OFFICER ASSESSMENT

PREAMBLE: This application seeks permission for the permanent retention of the existing stable block, field shelter, hay store, hard standing, lean-to and secure tack room and for the siting of a tractor, trailer, horse box and touring caravan, in addition permission is sought for the change of use of the land from agriculture to equestrian use.

The site is located on a double bend in the road from Nempnett Thrubwell to Butcombe, the western boundary of the site marks the boundary between the administrative areas of North Somerset Council and Bath & North East Somerset Council. The eastern, western and northern boundaries of the site mark the limits of the Mendip Hills Area of Outstanding Natural Beauty and the whole site is located in the Bath and Bristol Green Belt.

The application site is comprised of 5 parcels of land with a small copse of trees in the south western corner, the land slopes down from east to west across the site with the buildings and equine infrastructure situated on the western boundary, each parcel of land is demarked by post and rail fencing. The land is open in character with a large hedge marking the north, west and east boundaries and a line of mature trees marking the southern boundary. To the rear of the site is a line of electricity pylons running on a north east to south west axis.

The stable block, field shelter, tack store and hay store that are currently situated on the land, along with the hard standing area have existed in excess of 10 years having previously been granted consent in 1999 and renewed in 2004.

ISSUES: The key considerations with this application are as follows:

- Is the retention of the existing units acceptable on this site?
- Is the siting of the caravan, trailer, horse box and tractor acceptable?
- Does the retention harm the openness of the Green Belt or wider Area of Outstanding Natural Beauty?
- Is the change of use of the land to equestrian use an acceptable use of the land and does it harm the visual amenities of the countryside?
- Does the application pose a threat to highway safety?

This report will consider the above issues; in addition the concerns raised in the letters of objection will be discussed. The purpose of this report is to assess the application on its own merits and in consideration of the prevailing local and national policy and to make a recommendation as to whether planning permission should be granted.

POLICY CONTEXT: In consideration of the prevailing policy, the national context is set out in Planning Policy Guidance 2: Green Belts (PPG 2) and Planning Policy Statement.7: Sustainable Development In Rural Areas (PPS 7).

PPG.2 sets out what constitutes appropriate development in the green belt with the overarching aim of assisting in safeguarding the countryside from encroachment and helping to retain or enhance landscapes. Whilst there is a general presumption against inappropriate development in the green belt, exceptions are given to "essential facilities" which can include small stables for outdoor sport and outdoor recreation provided the proposed development preserves the openness of the green belt and does not conflict with the purposes of including land in it.

PPS.7 sets out the Governments position on development in the countryside, emphasising the need to preserve rural character. The majority of this PPS discusses the impact of new developments but also acknowledges the role that equestrian activities play in rural areas. The principle concern in relation to PPS.7 is ensuring that due consideration is given to the impact the development has on the wider landscape setting of this rural area and whether, in this instance, retention of the buildings is appropriate.

Turning to the local policy context, the relevant policies are contained within the Bath & North East Somerset Local including minerals and waste policies which was adopted in October 2007. These policies, which are derived from national policy, are GB.1 and GB.2 relating to development in the green belt, and NE.2 relating to the preservation of the Area of Outstanding Natural Beauty. Other policy considerations seek to ensure the development fits with the context of the surrounding area, as set out in D.2, and to ensure highway safety is maintained, in line with policy T.24.

Limited weight should be given to the Mendip Hills Area of Outstanding Natural Beauty Supplementary Planning Guidance relating to horse related development. Whilst there are points of relevance in this document relating to general principles, the SPG is largely out of date as it relates to National Policies and parts of the Planning Act which have since been amended or superseded. The application is therefore assessed in line with the up to date prevailing policy.

The Submission Core Strategy, May 2011, which is the forthcoming local policy document is a material consideration but also given limited weight as it is not yet adopted. Notwithstanding this, the relevant Bath & North East Somerset Local Plan policies referred to above are all saved by the Core Strategy, whilst the introduction of Policy CP8 (Green Belt) reiterates the national framework.

PRINCIPLE OF DEVELOPMENT: In consideration of this application, it is noted that whilst the 2004 renewal of consent lapsed in 2009, the elements of "built mass" are not set to change from what exists on site at present and they have existed in their current form for in excess of 10 years. In respect of the local and national context it is noted that there is a presumption to allow for small scale equestrian developments in rural areas, on the basis of this, coupled with the fact the development has existed for in excess of 10 years on this site, it is felt that the principle of development is well established, without demonstrable harm, and therefore it is acceptable to allow it to continue. The proposed retention of the existing units on site is deemed to be in accordance with both Local and National Policy.

In respect of the siting of the horse box, trailer, touring caravan and tractor, all of these are moveable vehicles and therefore do not ordinarily require consent, however it is noted that a condition of permission 04/02635/REN stated that no trailers shall be kept on site without prior written consent. In consideration of the keeping of the aforementioned machinery on this site, all these items are directly associated with the equine enterprise and are not uncommon features in the rural landscape therefore are not considered to be out of context. In respect of the caravan in particular, whilst offering the ability to live on site, this remains a movable structure on wheels and is identified as being used ancillary to the equine use of the land to provide a place of refuge against inclement weather, toilet facilities and a place to make a cup of tea. The principle of the siting of this caravan is considered acceptable however it is acknowledged that an appropriate condition should be applied to restrict its use so it does not become used for temporary or long term residential accommodation.

Finally, with regard to the change of use of the land to equestrian use, it is noted that this site has been used for the private keeping of horses since at least 1999 (i.e. not a commercial or DIY livery). Looking at the current site, the land is quite clearly divided into paddocks and the use of the land visually appears as an equestrian use tied to the stables. In this regard, and given the length of time that horses have been grazed and kept on the land, it is felt that formalising the use of the land as equestrian would not be unreasonable or detrimental to the immediate or wider area. Notwithstanding this observation, it is noted that under permitted development, the applicant could at a future time construct a ménage or erect jumps or other equine related paraphernalia which cumulatively could be detrimental to the rural character of this part of the green belt and Area of Outstanding Natural Beauty. In the interest of preserving the rural character of this area it is therefore recommended that if permission is to be granted that appropriately worded conditions are applied to restrict this.

IMPACT ON THE AREA OF OUTSTANDING NATURAL BEAUTY AND GREEN BELT: Whilst the principle of the retention of the development and the use of the land is deemed to be acceptable on this site, the key consideration with this application is whether the use and buildings are acceptable in terms of the impact they have on the openness of the

green belt, character of the surrounding area and rural setting of the Area of Outstanding Natural Beauty.

As previously set out, PPG.2 states that small scale horse related developments can be acceptable provided they preserve openness and do not harm the reasons for including land in the green belt; this is reflected in Local Plan policy GB.2. In terms of the Area of Outstanding Natural Beauty setting, Local Policy NE.2 states that permission will not be permitted where development adversely affects the natural beauty of the landscape.

The principle observation with this site is how the development fits within the setting of the immediate landscape. As previously discussed, the site and the use of the land have existed in this manner for a significant period of time, and this application does not seek to expand or change the level of built form on site. The site as seen at present is therefore considered to be well established and well integrated within the local environment and forms part of the setting of the wider area. Fundamentally, by reason of the local topography and the surrounding vegetation, the site is largely obscured from the wider area and is not discernable from the Mendip Hills located several miles to the south. For the same reasons, this application is not considered to represent a threat to the openness of this part of the Green Belt.

It is noted that one of the key objections to this application relates to the untidy nature of the site, the general rubbish noted around the stables and the concerns about the burning of materials on site being detrimental to the character and appearance of the wider landscape setting. Whilst these concerns are noted, they are not at the heart of the application which seeks to establish the acceptability of the site in this location. In terms of the burning of materials, this is an issue for the environmental health officer, who is aware of the concerns. If there is an ongoing problem with such activities, this can be addressed through Environmental Health Legislation and in this instance is not considered to be a material planning considerations against which planning enforcement action could be taken. Again, in respect of the tidiness of the site, whilst recognised as being an issue, this is not a breach of planning against which action could be taken or against which this application could be refused.

Based on an assessment of the site and in consideration of the wider area and the relevant policies, on balance for the reasons set out above, the proposed application is not deemed harmful to the setting of the Area of Outstanding Natural Beauty or the openness of the green belt, therefore the application is considered to be in accordance with Policies GB.2 and NE.2 of the Local Plan.

IMPACT ON HIGHWAY SAFETY: It is noted that several objections have been raised in respect of the current access arrangements to the site, however the concerns seem to stem from the potential impact that an intensification of use could have on the local highway network. In consideration of this, it should be noted that this application can only be assessed on its own merits, not on the merits of an intensified use. Any change to the use would require an application in its own right and would be assessed on the details of the individual scheme. In consideration of this point, this application is assessed on the basis that the current situation is to remain as it has been for several years and the Highway Development Officer has noted that on the basis that the use of the land and the fact the majority of the proposed buildings etc. have previously been approved, there are no grounds for a highway objection to the proposal subject to the caravan being used only

for shelter, and not for residential accommodation (an appropriate condition relating to this matter has already been discussed).

On the basis of the Highway Officer's comments and in respect of the use of the site, this application is not considered to represent an increase in traffic or pose any greater harm to highway safety than already exists. The application is therefore deemed to be acceptable and in accordance with Policy T.24.

CONCLUSION: Whilst the objections to this application are noted, it is understood that these generally centre on the tidiness of the site, the burning of materials and the concerns over potential future uses, all of which are concerns that can be dealt with outside the scope of the current application. In consideration of this application, it is felt that on the basis of the length of time the buildings have existed and the overall use of the land, the permanent retention of the equestrian use is acceptable in principle at this location. In respect of the environmental impact, it is considered that the retention of the units, by reason of the local topography and the setting within the landscape, they would not adversely harm the openness of the green belt or the rural setting of this part of the wider Area of Outstanding Natural Beauty.

For the reasons set out in this report it is recommended that planning permission is given for the retention of the existing units and for the change of use of the land subject to the appropriate conditions that have already been referred to above.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 The touring caravan hereby approved shall be used only for the temporary shelter and comfort of the applicant whilst tending the immediate needs of the livestock on site and shall not be occupied as living accommodation or other residential purposes at any time.

Reason: Residential accommodation would require an application in its own right.

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no ménage or other hardstanding associated with the equestrian use of the land shall be constructed without a further planning permission having first been applied for and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity and character of the green belt and this part of the Mendip Hills Area of Outstanding Natural Beauty.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no jumps or other equestrian associated paraphernalia shall be erected or used on this site without a further planning permission having first been applied for and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity and character of the green belt and this part of the Mendip Hills Area of Outstanding Natural Beauty.

4 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: This decision relates to the Design and Access Statement, Photographs, Site Location Plan and to drawings 976/11/01, 02 and 03 date stamped 21st January 2011 by the Council.

REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the policies set out below at A.

2. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.

3. The proposed retention of the existing stables and equestrian buildings on this site, along with the change of use of the land to equestrian is acceptable and in accordance with National Policy as set out in PPG.2 and PPS.7 and local Policy GB.1 of the Bath & North East Somerset Local Plan, including minerals and waste policies, October 2007 and Policy CP8 of the Submission Core Strategy, May 2011.

4. The proposed retention of the existing stables and equestrian buildings on this site, along with the change of use of the land to equestrian, by reason of the siting, location, local topography and surrounding vegetation preserves the openness of this part of the Green Belt and maintains the local rural character of the Mendip Hills Area of Outstanding Natural Beauty, in accordance with Policies GB.2 and NE.2 of the Bath & North East Somerset Local Plan, including minerals and waste policies, October 2007 which are saved policies in the Submission Core Strategy, May 2011.

5. The proposed access is to a satisfactory standard, maintaining the safety of highway users, in accordance with Policy T.24 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007 which is a saved policy in the Submission Core Strategy, May 2011.

A

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

- D.2 General Design and Public Realm Consideration
- D.4 Townscape Consideration
- NE.2 Area of Outstanding Natural Beauty
- GB.1 Green Belt
- GB.2 Openness of the Green Belt
- T.24 Access

SUBMISSION CORE STRATEGY, MAY 2011 (The submission core strategy is a key material consideration but at this stage it has limited weight)

- CP8 Green belt
- Policies T.24, NE.2, GB.2, D.2 and D.4 are Saved Local Plan Policies

SUPPLEMENTARY PLANNING GUIDANCE

- Mendip Hills Area of Outstanding Natural Beauty Supplementary Planning Guidance: Guidelines for Horse Related Development

NATIONAL POLICY

- PPG.2 Green Belts
- PPS.7 Sustainable Development in Rural Areas

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|----------------------------|--|--------------------------|
| Item No: | 08 | |
| Application No: | 10/04747/EFUL | |
| Site Location: | Bath Spa University Campus, Newton St. Loe, Bath | |
| Ward: Bathavon West | Parish: Newton St. Loe | LB Grade: Grade I |
| Ward Members: | Councillor David John Veale | |
| Application Type: | Full Application with an EIA attached | |
| Proposal: | Demolition of existing residential (C2) and education (D1) buildings and redevelopment of part of Newton Park for educational purposes as Phase 1 of the campus master plan to provide a two/three storey academic building (approximately 8,528.7 sq m) together with associated access, landscaping, car parking and infrastructure, in addition to temporary extension to main car park south of campus | |
| Constraints: | Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal fields, Cycle Route, Forest of Avon, Greenbelt, Major Existing Dev Site, Listed Building Grade I, Historic Park/Garden Grade II* | |
| Applicant: | Bath Spa University | |
| Expiry Date: | 11th March 2011 | |
| Case Officer: | Geoff Webber | |

REPORT

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| Item No: | 09 |
| Application No: | 10/04748/EFUL |
| Site Location: | Sydney Court, Bath Spa University Campus, Newton St. Loe, Bath |
| Ward: Bathavon West | Parish: Newton St. Loe LB Grade: Grade I |
| Ward Members: | Councillor David John Veale |
| Application Type: | Full Application with an EIA attached |
| Proposal: | Extensions to Sydney Court to the north of Newton Park campus to provide a single storey building and enclosed flues to accommodate an energy centre comprising bio-fuel boilers and backup equipment and an electricity sub-station, together with a compound to house a generator adjacent to the library, and associated access and landscaping works |
| Constraints: | Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal fields, Cycle Route, Forest of Avon, Greenbelt, Listed Building, Major Existing Dev Site, Listed Building Grade I, Historic Park/Garden Grade II* |
| Applicant: | Bath Spa University |
| Expiry Date: | 11th March 2011 |
| Case Officer: | Geoff Webber |

Reason for Reporting Applications to Committee

These applications together represent Phase 1 of a major regeneration programme proposed by Bath Spa University. The scheme as a whole has strategic significance because of the importance of the higher educational sector to the economy of the area, and because of the location of the university campus at Newton Park, which is a sensitive historic park environment within the Green Belt. The proposed Master Plan is intended to underpin the university's development for the foreseeable future, and whilst future applications may not be reported to Committee, officers consider it appropriate for the initial phase to be determined by Members.

The university's proposals were included on the Agenda for the Committee meeting on 13th April 2011, but were not considered because of complex legal representations raised against the development just before the meeting by the Duchy of Cornwall. Your officers have now had an opportunity to consider the Duchy's objections and comments, and also to have regard to counter-arguments put forward by the university. Your Officers are now satisfied that these proposals can be determined, and Members will find detailed comments on the matters raised, later in this report.

Members should note that this report completely supersedes the report published in the 13th April Agenda, which should now be disregarded.

The Proposed Development and its Context

Bath Spa University has occupied Newton Park at Newton St Loe as its principal site for many years, and it has long been recognised that the historic park is both a major asset to the university and a significant constraint to its future development. As the university has grown, so it has become increasingly clear to all concerned that a piecemeal approach to development is unsuitable for taking the university through what now emerges as a major programme of regeneration during the next two decades or so.

In discussion with your Officers, and with other key stakeholders including English Heritage ("EH") and the site's landowner the Duchy of Cornwall ("the Duchy"), the university has agreed that it will bring future developments forward on a programmed and master planned basis, so that each individual scheme can be understood and evaluated both in the context of the historic parkland and Green Belt setting and in terms of its contribution towards the university's overall ambitions.

Members are advised that within the educational framework that now exists in the UK, any university must in effect be viewed as a commercial enterprise in that it has to compete for funding and for students alongside a wide range of other similar institutions. As a result, Bath Spa University considers that it is now essential that it provides an ever-improving range of academic, leisure, social and

residential opportunities for students and staff, which will enable it to remain competitive with other universities offering similar courses and opportunities. It is no longer enough for the university to rely upon the 'wow factor' of its wonderful setting to attract the most able students and staff, and some of the facilities at the university are looking tired and increasingly insufficiently attractive.

Accordingly, over a two year period, the university has appointed a team of consultants who have been advising on all aspects of the emerging proposals. The university has produced a Draft Master Plan which (with the support of your Officers) is intended to operate on a "living document" basis, allowing revisions and updates to be incorporated whenever necessary, in order to ensure that the university can respond to changes in national educational policy, or to other equally unpredictable factors such as unexpected fluctuations in the availability of funds. The Draft Master Plan has been submitted alongside the current applications, but remains the subject of detailed discussion and negotiation, and will therefore be presented to the Committee in due course, once the university is satisfied that it has taken adequate account of the views of all its key stakeholders. That is likely to be in association with the next significant proposal for development which is expected to be submitted later in the summer of 2011.

Meanwhile, your officers have satisfied themselves that the initial redevelopment phase represented by the current applications can in principle be determined in advance of concluding the work on the Master Plan, and the university has sought the earliest possible approval of the Phase 1 academic and energy centre buildings, in order that the proposed accommodation can be made available for use as soon as possible. The imminent provision of enhanced facilities is, it must be acknowledged, a potentially valuable marketing tool for the university.

Prior to the committee meeting, Members will have had an opportunity to visit Newton Park to see for themselves the manner in which the existing university buildings sit within the historic landscape and how the new proposals relate to this. An awareness of the benefits and sensitivities of this important parkland setting is an essential prerequisite to coming to terms with the implications of the development programme upon which the university is embarking.

However, Members must also bear in mind that the university is not based just at Newton Park. Many of its students occupy student accommodation in Bath, both in purpose-built developments (such as Waterside Court in Lower Bristol Road) and in smaller residential properties in various locations across the city. In addition, the university itself occupies a number of sites within and around Bath for academic purposes, and the site at Sion Hill is perhaps the most significant of these within the city. The operational and functional inefficiency of this multi-location character is a major factor in the university's decision to progress a master planned approach to its future, and underpinning the emerging Master Plan is a strategic decision to focus future development at Newton Park, and to create opportunities for as many students as possible - certainly all first-year students - to be housed on the Newton Park campus.

Your Officers recognise that significant benefits will arise from reducing the need for students to shuttle back and forth between Bath and Newton Park, and also understand that from the university perspective increasing the academic punching power of the campus is a key to the future success of the university. However, all this needs to be balanced against the need to safeguard the special character and qualities of Newton Park as a historic setting, and it is believed that this can only be achieved through the application of a Master Plan. Your Officers have encouraged the university, through its master planning work, to seek to establish where there may be "ceilings" on development at Newton Park, in order that the most effective use can be made of the campus whilst not prejudicing the historic environment. Members will see from the consultation responses set out in detail below that it would seem that the university is generally considered to have set its Master Plan sights a little too high in terms of the Park's capacity to absorb the later phases of the proposed development programme.

As a result, and in response to the comments from EH in particular, the university has confirmed in writing an intention to review its emerging Master Plan proposals for the later phases of development, and indeed discussions in respect of the next phase of development are now under way. In support of its proposals, the university has stated that it is committed to the Master Plan process for identifying and providing guidance on the future development of the Newton Park campus. The current Draft Master Plan has evolved over a two year period and has identified and established the principle of development on particular parts of the Newton Park campus. Specifically three of these sites have been identified: development in the vicinity of the walled garden; the existing main car park and grounds maintenance yard area; and the northern area of the campus currently utilised as student accommodation. The Draft Master Plan has also identified opportunities to 'undevelop' parts of the existing campus in order to improve the overall appearance of the park and to continue restoration of the historic landscape.

The University's design team has attempted to establish the maximum capacity of these areas in the light of the environmental and historic constraints. It has been agreed in principle with your Officers that the Master Plan is to be a living document, and on this basis it is the intention of the University to produce further iterations of the Master Plan as may be agreed with the LPA as the application programme proceeds. The University will consult further with English Heritage, the Council and other key stakeholders in order to refine the proposals for the identified development areas identified in the Draft Master Plan.

The University is not requesting the Council to ratify or adopt the Master Plan in its current form. Rather, it is requesting that the LPA endorses the process to date and its commitment to a process of further consultation in advance of the Phase II residential proposals coming forward.

At the meeting (and with reference to the pre-committee meeting site visit) Members will be given an introduction to the concepts set out in the Master Plan, and this will include not only the proposed development programme, but also

indications of where the approach has identified that "undevelopment" can take place in order to enhance the Park's special qualities. The end result is intended to be a balanced approach to the redevelopment of the university, and the Master Plan should in due course form a key foundation for the consideration of all future significant applications for planning permission on this important site.

The initial phases of the development programme involve the shuffling of various uses around between different parts of the campus, and the Officer presentation to Members will explain how this concept will work. During this time, the university has indicated that there will be no growth in student numbers as the programme requires there to be sufficient "wriggle room" to allow development to proceed whilst the university continues to operate. Around 80 student accommodation units are intended to be temporarily decanted off-site as the first phase proceeds, but these spaces are intended to be re-provided on the campus as part of the second phase of the development programme. Overall, it is anticipated that the programme of redevelopment will increase the size of the university's operation at Newton Park, and increase the proportion of students that will be accommodated on the campus. In turn, this is expected to reduce demand for students to move between Newton Park and Bath, enhancing the sustainability of the university's activities and reducing the proportion of students required to occupy accommodation within Bath. In order to secure government funding, the university is required to substantially decrease the energy footprint of its operations, and this is an element which will be a key consideration at every stage of the development programme.

In short, the underlying concept of a master planned approach to the redevelopment and regeneration of Bath Spa University is recognised by your Officers as being a major positive consideration in the evaluation of the various development proposals that will be submitted. Not all these proposals will be brought to this Committee for determination, but the university's representatives have made it clear (and your Officers have agreed) that it is crucial that the Committee endorses the general approach.

The Current Applications

The current applications are accompanied by an over-arching Environmental Impact Assessment, which has been prepared on a two-layered basis. This EIA provides an overview of the anticipated cumulative environmental impacts of the overall development programme (i.e. Phases 1, 2 and 3), and then focuses in more detail upon the specific impacts of the current detailed proposals (which constitute Phase 1). The EIA package will require careful review and reassessment as more information and greater certainty emerges about the design and locations of the later stages of the development. The two-layer basis means that as each detailed planning application comes forward for consideration it will be accompanied by a fully detailed and comprehensive EIA relating to its impacts upon the environment, whilst the cumulative higher-level work will be refreshed as each tranche of new detail becomes clear. The cumulative overview has been prepared and will be reviewed using EIA methodology, but cannot constitute a formal EIA of the later phases until their final details are known.

The first of the two current applications seeks permission for a substantial new two/three-storey academic building in place of three existing buildings which are to be demolished. The academic building will have a floorspace of just over 8500 sq metres, and in addition, the application includes a proposal for temporary car parking, and also for the landscaping of the area around the new building.

The second of the two current applications proposes an Energy Centre extension and other minor additions to existing buildings within the northern developed part of the campus. These are generally minimal in terms of their environmental implications, but the flue on the biomass installation will be visible above the adjoining existing building.

The proposals demonstrate many of the characteristics that are likely to be seen in other applications that will be submitted in the future. Outmoded buildings are to be removed, whilst other buildings that are either of historic significance or which remain valuable assets will be retained and enhanced. In some cases, demolished buildings will be replaced - as here - by new development, and in other cases, the demolition will offer an important opportunity to restore or enhance the visual qualities of the Park. The demolition of specific buildings has been an integral part of the scheme from the outset, and the EIA and the Draft Master Plan both take account of the relative significance of demolitions and of the benefits to the Park that can flow from the removal of some of the less attractive existing structures. The EIA and the Draft Master Plan together provide a strategic context supporting the details shown in the submitted applications, and facilitate the determination of the planning applications without the vagueness and uncertainty inevitably associated with a piecemeal approach to development on a large site.

The ground and first floors of the proposed Phase 1 academic building mainly comprise teaching rooms, whilst the second floor is mostly for staff and

academic use. The building will also house an "e library" and digital and media suites, along with a glazed central atrium that separates the two more solid elements of the structure. The development has been designed to be of a scale that sits well in relation to the Grade I Listed "Main House", and to avoid the introduction of development that introduces new and undesirable visual impacts upon the parkland setting. The atrium is intended to provide views through the building and so to reduce its visual impact upon the surrounding part of the campus.

The Officer presentation at the meeting will describe the principal characteristics of the buildings, and it is anticipated that having previously viewed the site, Members will be more readily able to assess the extent to which the architects employed by the university have achieved their aims. The proposals will speak for themselves in that regard, and there is therefore no need to describe the proposals in detail here.

However, this report sets out the key considerations, and your Officers' comments and advice regarding these matters. Essentially, there are eight principal areas to which Members' attention is drawn in this report. These are:

1. The correctness of the EIA approach adopted by the university.
2. The acceptability of the Draft Master Plan.
3. The appropriateness of the proposed development within the Green Belt.
4. The impact of the proposed development upon the special character of the historic parkland setting.
5. The impact of the proposed development upon the special character and setting of the Listed Buildings at Newton Park.
6. The impact of the proposed development upon the ecology of the Park.
7. The "knock on" impacts of the proposed development in terms of the need to relocate functions elsewhere within the campus and the on and off-campus implications of the development.
8. Other Local Plan policy and general Planning considerations.

Consultation Responses and Representations

1. Statutory Consultation Responses and Internal Comments

As indicated above, the current proposals are the result of a lengthy and highly effective consultation process organised by the university. This has taken the form of workshops and exhibitions that have been intended to offer the widest possible range of opportunities for interested organisations and individuals to express views and thus to influence the emerging designs. Some of your Officers have been involved in this process.

Newton St Loe Parish Council has submitted a general comment about the impact of the university upon the village. They make no comments about the design or appearance of the currently proposed development (save to say that they are sure that it "will be done beautifully"), but seek the closure of the access into the university via Newton St Loe, and express concern about noise from events on the campus. They are also concerned about the impact of the illumination of the campus.

Corston Parish Council has simply commented that "The proposals ... have the full support of Corston Parish Council."

English Heritage officers have been closely involved in every stage of the evolution of the current proposals, and in response to your Officers' statutory consultation, EH's Regional Landscape Architect has in the last few days submitted an extremely detailed commentary and appraisal of the proposals, which is reproduced below in full:

*"The application is for the redevelopment of part of the campus of Bath Spa University, being Phase 1 of a campus Master Plan, to provide a three storey academic building with associated access, landscaping and related infrastructure. English Heritage's interest arises from the fact that the whole of the area covered by the Master Plan lies within a site that is included on our Register of Parks and Gardens at grade II*¹. Additionally, the Master Plan area encompasses a number of listed buildings, including the main house which is listed grade I, and a scheduled monument, St Loe's Castle.*

Summary

Subject to a number of comments, set out below, English Heritage does not wish to object to Phase 1 of the Master Plan. However, we do have concerns about the location, scale and mass of development proposed as part of Phase 2 and 3 of the Master Plan, and would advise your authority that this needs further consideration.

English Heritage Advice

Newton Park, as it survives today, is largely the creation of the 18th century, when Stiff Lead better was commissioned to design the house and 'Capability' Brown to lay out the grounds. The site incorporated earlier elements, including a fortified manor house and a probably 17th century park. On the death of the last private owner, Lord Temple, in the 1940s, the estate was purchased by the Duchy of Cornwall, who

remain the owners. The Duchy leased the site to the city council for educational use. During the second half of the twentieth century there has been a continuous expansion of education facilities on the site. The status of the institution has grown and Newton Park is now the home of Bath Spa University. This has changed the site from a country house set within its designed landscape to a busy university campus.

The university has identified a need to improve and, in some cases, replace existing academic and residential buildings, many of which date from the mid-twentieth century. We understand that your authority has been actively encouraging the university to provide more campus-based residential accommodation and, consequently, the university is proposing to accommodate all first year students on site. The scale of the proposals is substantial and the university has initiated a period of pre-application discussions and workshops to inform and develop the overall Master Plan and initial phases of the development.

The Master Plan: general

The Master Plan approach was deemed necessary in order to demonstrate the university's long-term vision, and to provide an overview and context within which to judge each individual phase of the scheme. The Master Plan would show where buildings were proposed to be demolished, where new buildings were to be constructed, and the position of roads, car parking and other infrastructure and the nature of landscape proposals including opportunities for historic landscape restoration. It would, for our purposes, enable a clearer assessment of the positive and negative impacts of the proposals on the significance of the site, as expressed in the heritage assets described above.

Throughout the development of the Master Plan we have expressed concern about the capacity of the site and the fact that the Master Plan is a plan and does not allow any appreciation of 3-D massing. In order to be able to offer an informed assessment of the impact of the proposals on the historic environment, this information is critical. The information supplied about proposed storey heights (figure 22 of the Master Plan document) is welcome but is not sufficient to judge mass. The main focus of our pre-application discussions has been Phase 1 (see below) and Phase 2. The location, scale, mass and form of Phase 2 (residential accommodation) has changed significantly. An earlier iteration showed the proposed accommodation aggregated around the walled garden; the current Master Plan shows it relocated to the car park at the south end of the site. We need further material to be submitted, including sections and photomontages, as appropriate, to inform our comments. However, in pre-application discussion with the applicant we have already expressed concerns about the mass and form of the proposed Phase 2 development, which is now proposed as a large quadrangle at the south end of the campus. The site selected is outside the MEDS (Major Existing Development Site) that provides one of the exceptions to Green Belt policy in the local plan and would therefore appear to be contrary to policy.

Phase 3 of the Master Plan relates, primarily, to the north end of the site, adjacent to the Corston (approach) drive, where it is proposed to demolish existing student accommodation and replace it with accommodation blocks of larger footprint arranged around a courtyard or quadrangle. There has been little discussion regarding Phase 3.

Earlier versions of the Master Plan appeared to show buildings removed from this location, which was considered to be advantageous as the buildings would no longer be visible on the hillside on the approach. In the submitted Master Plan, however, new academic as well as residential buildings have appeared, each of which has a much larger footprint than any building they replace. We have limited information to assess this aspect of the Master Plan but the quantum of development, its location in relation to topography and its inferred mass, are all of concern. The impression is given that the 'exception' of a building of the scale of Phase 1 has been taken as 'the norm' for Phases 2 and 3. Worryingly, the use of Phase 1 as a benchmark is already apparent in the LVIA; when assessing the visual impact of Phase 3 from Viewpoint 17, it is stated that the impact will be neutral because 'development will be perceived at a comparative height to Phase 1'. We have reservations about the introduction of so many buildings of greater footprint (and, we assume, greater mass) than those that typify the campus at present. The cumulative effect could, in our view, be harmful to the significance of the heritage assets and change the relationship to the main house with its landscape park.

Car parking is an ongoing issue and the Master Plan shows a considerable quantum of car parking provision. We hoped that there would be a greater reduction in car movements by the end of the process. We suggest that more work is undertaken to enhance the routes and facilities to increase usage of other modes of transport.

Master Plan: mitigation and restoration

Unfortunately most of the benefits in terms of removal of buildings which at present block key views are not going to be implemented until Phase 3. The funding for this phase is not yet in place. We would therefore ask if there is a mechanism by which the Local Planning Authority can ensure these benefits are delivered? In the LVIA supporting this application it is regularly stated that 'architectural design, materials and finishes' will assist integration. This is unsubstantiated by the level of detail provided. Mitigation relies heavily on tree planting, some of it by transplanting existing trees. Establishment after transplanting is difficult to achieve and all planting needs to be covered by a condition requiring successful establishment. A landscape maintenance plan may also be required.

Section 2.5 of the LVIA identifies a series of landscape proposals for the wider park which influence the assessment of visual impact from a number of viewpoints. We support these proposals and consider their implementation will enhance the historic environment. In the main, these proposals for historic landscape restoration are to be delivered by an agri-environment scheme (HLS). HLS rules prohibit funding of landscape restoration required by condition or legal agreement. At the same time, funding from HLS for future landscape restoration cannot be taken as certain. The Local Planning Authority should consider if it is satisfied that the landscape restoration offered in mitigation with this application should be delivered by external funding.

It should be noted that the LVIA is descriptive and no attempt has been made to indicate in the photographed viewpoints the approximate dimensions of the build in phases 2 and 3. Additionally the viewpoints are summer views with vegetation in full

leaf. Winter views would offer a different perspective.

Phase 1

The proposals for Phase 1 involve the demolition of three existing buildings: Nevill; Hungerford; and Doynton. It is accepted that these buildings have little or no architectural merit and their demolition is uncontentious.

The main issue to address is the acceptability of the new academic building and associated landscaping in terms of the impact on the registered landscape and the setting of listed buildings. The proposals need to comply with the following policies in PPS5.

HE 10. 1 When considering applications for development that affects the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.

HE 9. 4 Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:

(i) weigh the public benefit of the proposal (for example that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification needed for any loss.

HE 7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

Originally the house would have been set within a designed landscape unencumbered by ancillary buildings, especially on its approach from the main drive. However, the long-established development of the site for educational purposes has compromised its approach and setting. The location of the proposed Phase 1 building is already developed, albeit at a lower density. The principle of redevelopment in this location is considered to be acceptable. The key issue is the height, mass, scale and materials of the proposed new building.

In the initial stages of the evolution of the scheme and Master Plan the option of a quadrangle was proposed. However, this entailed locating the building closer to the landscape boundary. When this footprint was drawn in three dimensions it was concluded that the structure would have a significantly adverse visual impact from a number of viewpoints, particularly from the Corston and Newton drives. The preferred option was to set back the proposed building within the existing built form. This creates the opportunity, with the removal of Doynton, to extend the landscape over the ridge from the historic pleasure grounds. In addition, it provides a zone within which effective landscaping can be established on Corston Drive.

It is recognised that the new academic block, as proposed, has significant mass and bulk. The impact of this form will, in our judgement, be most apparent in near views within the academic area of the site. It is only in more distant views (for example Clay Lane) that the new academic block will be perceived in conjunction with the main house. Having considered the evidence of the LVIA, we consider there is sufficient physical distance between the main house and Phase 1 to enable the house to retain its primacy within the landscape. The increase in visual presence of this building needs to be weighed against the overall public benefit of the proposals. We are also mindful of the fact that no new development is proposed in the vicinity of the house and that the historic drives and planting (including further restoration planting proposed in the Master Plan) reinforce the concept of a country house set in its landscape park. If, alternatively, Phase 1 was split into smaller buildings the overall footprint within the campus would be much higher. Again, whilst it is acknowledged that the proposed finishes of the new building are not, like the main house, Bath stone and slate, the colour palette is not dissimilar. The proposal, in our view, has architectural integrity as a building clearly of the 21st century to provide [a] hi-tech academic centre.

Recommendation

This application relates to the phase 1 academic building and for the reasons set out above English Heritage does not wish to raise an objection to this aspect of the proposals. We suggest you consider the issues set out above and recommend that the application be determined in accordance with national and local policy guidance and on the basis of your own specialist conservation and landscape advice.

We consider that further information and discussion is required regarding the extent, location and form of development for phase 2 and 3. We are happy to continue discussions with the Local Planning Authority, the applicant and their agents in order to inform the evolving scheme for the later phases of the Master Plan.

We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity."

The **Garden History Society** is a statutory consultee because Newton Park has been identified by EH as a designed landscape of special historic interest in the national context, and has been included on the Register of Parks and Gardens of Special Historic Interest at Grade II*. The Society has written in support of the current proposals, confirming that *"We wholeheartedly agree with the comments of English Heritage.... We share their concerns about the extent, location, scale and form of the development for phase 2 and 3 of the master plan and advise that considerable further information is required before we can assess the impact on this heritage asset."*

The **Senior Conservation Officer** has commented that *"The English Heritage letter does a very good job of dissecting the application and I am happy to endorse their comments. In summary,*

- *There is sufficient distance between the main house and the academic block to preserve the setting of the listed building.*
- *The extent and location of new development indicated in the master plan for phases 2 and 3 is likely to impact adversely on the setting of the listed buildings and the wider landscape and further discussion and revision is therefore required."*

Natural England originally submitted a holding Objection to the scheme, focussing principally upon the lighting of the development and its impact upon bats, but they indicated from the outset that the objections were capable of being addressed by the applicants. Indeed, Members are advised that discussions have progressed between the university and Natural England ("NE"), and following the submission by the university of an addendum report addressing NE's concerns, NE have subsequently formally confirmed that their objections are now withdrawn, subject to the imposition of appropriate Conditions. NE raise no concern regarding the effects of the proposed development upon European designated ecological conservation sites, and indeed there are no such sites close to Newton Park.

NE were subsequently approached by representatives of the Duchy of Cornwall, who were concerned that the proposed temporary car park extension would adversely affect bats and great crested newts present on the site, as these are European Protected Species. The Duchy suggested that NE should renew its objections based upon those issues. NE sought further clarification on these matters direct from the university, and subsequently NE confirmed to your Officers that there would be no changes to the earlier letter withdrawing their objections subject to Conditions.

In circumstances where best practice guidance either cannot be followed or is not applicable, licences can be sought from NE to allow persons to carry out activities affecting European Protected Species that would otherwise be prohibited, without committing an offence. In the current case, the EIA documents submitted show that the proposed development will affect bats and great crested newts that are present within the site, but NE have confirmed in writing that they can foresee no reason why

they would not be in a position to grant the relevant licences associated with protected species on the site.

The Council's **Ecologist** has commented on the proposals, in the light of the views expressed by NE, and has confirmed the following:

"The "three tests" of the Habitats Regulations, can be summarised as follows. There must be:

- 1. Imperative reasons of overriding public interest ("iropi")*
- 2. No alternative solution*
- 3. Maintaining favourable conservation status of the affected species*

[The applicant's Agent] has advised that information that will address the three tests is submitted within the Environmental Statement (ES). Chapter 4 provides information demonstrating that "test 1" will be met, and Chapter 5 provides information on the investigations into alternative solutions (test 2).

I have now looked at this information and in my view it provides an analysis of each issue sufficiently to demonstrate that the project would satisfy the first 2 of the 3 tests. Chapter 5 demonstrates that there is no alternative solution that would enable retention of the roosts in situ, and chapter 4 shows "imperative reasons of overriding public interest" for the project.

Regarding the "third test", as previously advised the submitted details of bat survey, assessment and proposed mitigation provide sufficient information for the LPA to conclude that this test also will also be met. I am confident that and the conservation status of the bat species affected will not be harmed."

The **Environment Agency** has raised no objections to the development, subject to the imposition of appropriate Conditions.

The **Highways Development Control Officer** has made detailed comments on both the first phase development and the Draft Master Plan. These comments were originally as set out in full below.

Original Highways Comments

"The proposal involves the demolition of three existing buildings (Hungerford and Nevill student accommodation and the Doynton office building) and the loss of a car park next to the Michael Tippett Centre, in order to enable the construction of a two/three storey academic building as Phase 1 of a longer term development plan.

The Phase 2 development is intended to include the provision of up to 600 bed spaces of student accommodation around the walled garden and adjacent to the existing stables and workshops by 2015. Phase 3 is intended to provide further academic

facilities to the north of the Phase 1 development and the redevelopment of existing student accommodation in this area, together with further student accommodation to achieve a total of approximately 1,000 bed spaces between 2015 and 2030.

The proposed Academic Building, as part of the Phase 1 works, is intended to provide digital teaching spaces, a new e-library, reception/support services, Learning Commons (social areas for students), teaching spaces and Staff Commons.

The application form states that 2,337m² of 02 floorspace will be demolished and 7,917m² will be constructed, giving an increase in overall floorspace of 5,580m² for [educational] use. This proposal would result in the loss of 82 bedrooms, but 312 bed spaces will be retained in the existing accommodation to the north of the Phase 1 development. The application form also states the existing parking levels to be 137 car spaces and 32 cycle spaces, with only 13 car spaces being retained (6 for disabled use), but an additional 8 cycle spaces being provided.

The proposal includes for the footway adjacent to the Corston Drive to be replaced by safe pedestrian routes across the site, and also includes a new bus drop off point in front of the academic building.

Parking

The level of car parking is stated as having been reduced from 844 in 2007 to 776 (including 35 disabled spaces) in 2010, as a result of the University Travel Plan. The parking levels currently accommodate 610 staff (420 FTE) and 5,258 students (4,650 FTE) at Newton Park.

Whilst the surveys from the Travel Plan have indicated the reduction in the daily flows, the peak parking demand has remained constant. For this reason, the University would maintain a level of 776 spaces for Phases 1 and 2 of the development, with reductions being considered to 650 spaces for Phase 3.

There appears to be some discrepancy/confusion in the supporting documents on the level of car parking. It is mentioned that the Phase 1 proposals would seek to increase the car parking provision from 380 spaces to 515, through a temporary extension to the main car park. The provision of 124 spaces has been mentioned in the Environmental Statement, to replace those lost due to the location of the proposed Academic Building, but this does not equate to the 515 spaces overall that has been stated. A further 13 spaces are proposed elsewhere, but this still does not correlate to the 515.

The Transport Assessment sets out the current level of parking to be 776 spaces which are provided outside Michael Tippett Centre, in front of the main house, adjacent to Newton and the main car park at the south-western end of the campus on the former hockey pitch. It goes on to say that the loss of 137 parking spaces is to be replaced as an extension of Hockey Pitch Car Park, with 13 parking spaces being provided with the Academic Building.

It is mentioned that to address the loss of car parking from adjacent to the Michael Tippett building, there will be a re-arrangement and extension of the car parking to the south of the Stable Block, through the removal of grass areas and drainage ditches. This presumed to be the 137 spaces, however, there are no details of the layout of the car parking to confirm that this level can be achieved, and the impact this may have on the drainage ditches. Furthermore, there are no details to indicate the car parking areas will be formally marked out, which will ensure maximum occupancy levels are achieved, however, it is noted that the surfacing is suggested as granular material and therefore it would not appear that any marking of spaces is anticipated.

Plans showing all the proposed parking areas with the marking of the bays should be submitted to ensure that all the intended number of spaces can be accommodated, together with sufficient room between spaces for manoeuvring. The relocated parking bays should also ensure the same level of disabled parking bays is maintained, and that their locations are easily accessible.

Cycle Parking

Covered cycle parking is proposed in two areas close to the academic building and some existing uncovered cycle parking close to the Michael Tippett Centre is to be retained. It is understood that the Campus currently has 116 cycle parking spaces (comprising 47 uncovered and 69 covered spaces), and this will be increased by the proposed 40 spaces as part of the development. However, the loss of the existing student accommodation blocks to enable the Phase 1 development will also result in the loss of 32 cycle stands, although in the Transport Assessment this is referred to as 32 spaces. These 32 spaces are also suggested as being replaced with the development of new residential development on the campus (later phase), but there is no interim provision.

The Master Plan document seems to contradict the cycle parking level detailed in other documents stating 166 cycle spaces, and there needs to be some clarity of the number of stands or the corresponding number of spaces. There should also be some interim replacement cycle parking. Whilst it is accepted that the current overall provision is under-utilised, it has been suggested that the one area around the accommodation in Langdon Court is always fully utilised, and therefore additional provision should be considered in this location.

I understand that there are shower and changing facilities in the sports block, and university theatre, together with a shower in the female WC in the main house, but no drying rooms or lockers on campus. Appropriate consideration should be given to providing facilities for lockers and a drying room, which could encourage more cycle use, and also consideration for cycle parking facilities at the bottom of Corston Drive, where cyclist could park their bicycles and get a lift up into the Campus.

Student Accommodation

The University seeks to accommodate all first year students requiring residential accommodation on the campus, and out of 1,900 first year students at Bath Spa University, 1,000 are based at Newton Park Campus. The long term vision to provide 1,000 bedspaces by 2030 is intended to meet this demand. This would also aim to address the shortfall in housing stock in and around the city, where currently there is a high level of accommodation being used as student lets.

The Strategic Framework document sets out details of the student accommodation currently available for the University as 587 bed spaces off-site within purpose built accommodation at Bankside (43), Waterside Court (316) and Charlton Court (228) (although the provision of only 129 bed spaces at Charlton Court is also referred to in the same document!), and 394 bed spaces being available on the Newton Park Campus. The level of student bed spaces is further contradicted in the Environmental Statement which details approximately 885 bed spaces (394 at Newton Park and 488 in purpose built accommodation).

The Transport Assessment sets out the level of accommodation as 394 bed spaces on site and 316 bed spaces off-site at Waterside Court, 129 bed spaces at Charlton Court and 43 bed spaces at Bankside, and this is backed up at 11.3.14 of the Environmental Statement. It is assumed that this is the correct level, but having regard to some inconsistency, clarification of the actual number is required. All students residing in university accommodation are not permitted to keep cars or use them for travel to and from the university, and therefore the applicants consider the loss of on-site accommodation is unlikely to result in increased car travel, with the bus being the likely mode of travel. However, this would not be the case for students residing in non-university controlled accommodation.

The Planning Supporting Statement states, at 7.3.43 that "there is a high level of student car ownership and despite an overall reduction in vehicular movements to and from the campus, achieved as a result of the existing Travel Plan, there has been no change to vehicular movements at peak times." The increased residential accommodation at Newton Park is seen as a method to reduce the need for student car ownership, and consequent car movements to and from the university. The on-site residential accommodation could achieve this through parking being restricted on campus for resident students, through the Travel Plan.

The Environmental Statement (Non Technical Summary) at Section 11 indicates that it is proposed to re-provide the 82 bed spaces, lost as a consequence of the development, within University controlled accommodation in Bath, with students not being permitted to keep cars or use them to travel to and from the University.

The Design and Access Statement, at 9.2, states that "the proposed Phase I Academic Development will not affect the number of students and staff travelling to and from the campus, but it will change on-site movement,..". However, as the

proposal will result in the loss of on-site student accommodation, there will clearly be a need for students to travel more frequently to the campus.

The Planning Supporting Statement states that "the loss of 82 residential units is expected to result in an increase of 7.6% movements and the travel surveys have revealed that there is sufficient bus capacity to accommodate this without the need for improvements." It is therefore suggested that the relocation of students will increase bus usage.

However, whilst all indications seem to suggest the loss of the 82 bed spaces would be reprovided in University controlled accommodation, there has been no detail of any additional accommodation having been secured, and the current accommodation within the purpose built facilities are presumed to be fully occupied. Therefore, it is clear to me that there will be a displacement of 82 resident students elsewhere, and this could be anywhere in and around the City, and in locations where the University may not be able to control car ownership or usage by students.

The ES (11.4.3) states that "the University's Strategic Framework and Campus Master Plan assumes no growth in staff or student number over the next 10 years based on current policies." This suggests that there will be no increase in staff or students until 2020, but I would be grateful for clarification of the policies that restrict the number of student intake, and whether this relates to both UK and overseas students.

Traffic Impact

*The Transport Assessment indicates that Newton Drive carries around 15% of daily traffic, with the majority of the traffic using the Corston Drive onto the A39. The University has carried out some widening works to the A39 end of the driveway in order to improve access for buses, pedestrians and cyclists on a section which was quite narrow for **all** shared users. The University would like to improve the remainder of the driveway, subject to approval, which would then enable them to close the Newton Drive to daily traffic.*

This would result in a material increase in the use of the Corston Drive junction with the A39, which has a shortfall in visibility, and may require some improvement to the access, at that time.

The split of mode of travel to and from the campus has been surveyed as 53% by car and 44% by bus. The proposed loss of 82 on-site bed spaces for the temporary period will result in some increase in travel to and from the campus, and whilst the applicants consider this will be achieved by bus, the lack of clarity on the location of the alternative accommodation does not give me comfort that this will necessarily be the case.

The Planning Supporting Statement indicates that the proposed Academic Development would not result in an increase in student numbers, and therefore does

not result in any change to the impact on the highway network and the traffic generated by the site. It also refers to the contribution secured for the development of performing arts theatre towards improvements to pedestrian/cycle facilities between the campus and the City Centre, and considers no further contributions are necessary.

Whilst the University states that the proposed Academic Development is not intended to result in an increase in staff and student numbers, the additional facilities would allow for additional capacity, when the policies referred to allow for such increases.

As part of the proposal to construct the performing arts centre, the University is committed to contribute towards improvements to cycle and pedestrian facilities between the Newton Park Campus and the City Centre, and to achieve a modal shift away from the car. The Council is currently considering options to improve the cycle and pedestrian routes from Corston Drive, across Pennyquick and the A4 dual carriageway and into the City. The improvements would also seek to improve access to public transport facilities on the A4 dual carriageway, which would benefit staff and students using other bus services.

The current proposal and the future phases identified will have a significant effect on the way students travel to and from the campus, with the pattern of movement changing in favour of shopping and leisure trips away from the campus, rather than travelling to the campus for study purposes, and this may have implications for the capacity of buses, which will need to be addressed at that time. Construction Management

The Environmental Statement refers to a construction programme in Chapter 4. At 4.5.9 of the ES, it states that the existing footpath along Corston Drive would be relocated to a temporary footpath route behind the trees along the east side of Corston Drive, and all other footpath routes through the construction site would be suspended during the works. At 4.5.11 it identifies the proposal for contractors to identify an off-site park & ride facility for construction operatives, and encourage the use of public transport.

The construction programme would last for almost 2 years, and there needs to be careful management of site traffic and deliveries to ensure there is minimal disruption to University traffic, in terms of vehicular, pedestrian and cyclists. At 4.5.17, the ES identifies the need for the Construction Management Plan to be agreed with the Client for each phase of development, and this Plan would set out details of routing, timing and management of construction traffic. These details would clearly need to be agreed with the Local Planning and Highway Authority to ensure that any impact on the use of the highway, pedestrian routes and site accesses are minimised and properly managed, particularly having regard to the restricted nature of Corston Drive and the need to maintain regular bus access.

Travel Plan

The application details refer to the existing University Travel Plan, and I am aware of considerable work being undertaken, in consultation with Transportation Planning

colleagues, with regard to updating the Travel Plan and addressing the implications of the future proposals. I am happy that the University is committed to updating the Travel Plan to address the changes in travel habits and needs resulting from the development, and to achieve a reduction in car usage etc. I do not therefore feel any condition is required, as a consequence of this proposal, to secure any updated Travel Plan document.

Land Drainage

The Land Drainage Engineer has provided [detailed] comments, and these should be given appropriate consideration in the determination of the application.

Public Rights of Way

The Public Rights of Way Team has made the following comments on the proposal:- Public Footpath BA17/17 crosses the access road to the University Campus. The public's use of the path must not be restricted during the construction works or by any increase of use of the access road caused by the new development. Public Footpath BA1 7/14 crosses the line of the existing car park. The route of the footpath shown in the proposal documents is not the definitive line. Please see the attached plan which shows the correct line. In order to develop the car park site, a diversion order is required to move the footpath from its current legal line. However, the PROW Team is not currently processing Diversion Orders. The proposals do not appear to affect public footpath BA1 7/15. The public's use of the path must not be affected during or after the construction works. I have, however, discussed the issue of the Rights of Ways and it was agreed that the route of the Public Footpath would not be affected by the car park extension works, although the route is adjacent to it, and users rights need to be maintained.

Having regard to my comments above, I feel there is a lack of clarity on the provision of replacement student accommodation, and the impact such locations of accommodation may have on the travel demand by students to and from the campus. Furthermore, there is insufficient information regarding the replacement car parking provision, and details of the layout of the parking facilities need to be submitted for confirmation that the same level of parking can be maintained on the site during the Phase 1 works.

I would also be grateful for some clarity on the number of existing and proposed cycle parking spaces, as there is both reference to spaces and stands, and I need to establish the actual number of cycles that are, and can be, accommodated.

Depending on the information provided regarding the relocation of student accommodation, there may be some requirement for contributions to support improvements to modes of travel. Subject to the receipt of satisfactory information for the above, I am likely to recommend that no highway objection is raised subject to [appropriate] conditions being attached to any permission granted.

The issue of any appropriate contributions will need to be considered in light of any additional information received."

Additional Highways Comments

Members are advised that in further discussions between the Highways Officer and the university's representatives, agreement has been reached as to how the university's existing Travel Plan can be utilised as a basis for an on-going review of the potential highway impacts of the development. In addition, the university has reviewed its approach to the provision of new bus stop facilities, which require flexibility in the light of objections raised by the university's landlords, the Duchy of Cornwall. Your Officers have discussed the situation with the university's representatives, and it has been agreed that the new bus stop facility can be successfully located in a number of alternative locations, which are on land under the university's control. The final location and the detailed design of the facility can be controlled by a Condition, and as a result, additional comments have been received from the Highways Officer, who confirms that:

"I refer to the CSJ Planning letter of the 9th May 2011, and subsequent discussions with the applicants' Transport Consultant, regarding the bus drop off point, loss of student accommodation and limitations on staff and student numbers.

I understand that the proposed location for the bus drop off is not within the University's site boundary and an alternative location on the opposite side of the access road is now being proposed. I am happy that the location of the bus stop can be secured by condition, with details of the final position to be submitted and approved.

Further clarification has been provided with regard to the re-provision of the 82 bed spaces lost as a result of the Phase 1 development, which will either be secured through the implementation of the Phase 2 development, or within purpose built student accommodation within the City.

I have previously commented on the displacement of students to alternative accommodation, and the fact that student travel from the purpose built student accommodation would be via the existing public transport services, with students being restricted from keeping cars or using them to travel to the campus. I remain of the view that a Transportation Plan, which sets out the exact location of the alternative accommodation and the means of travel available to students, should be provided, either as a stand alone document, or as an addendum to the Travel Plan.

With regard to providing a mechanism for a review of the Travel Plan to address any increases in vehicular movements to and from the campus, a form of condition has been agreed with the applicants' Transport Consultants which requires a yearly survey to be undertaken of the traffic flow to the University, and if the measured flow

exceeds 10% of the base survey figure, then a review of the Travel Plan shall be submitted and approved.

Having regard to the above, I recommend that no highway objection is raised subject to [appropriate] conditions.”

The **Archaeological Officer** has commented that *"Newton Park Campus has been the subject of a desk-based archaeological assessment, which outlines significant evidence of human occupation on the site from the Iron Age through to the present day. The current applications (phase 1) involve the redevelopment of existing academic buildings with new energy centres to the north of the historic house and castle site, and has recently been archaeologically evaluated with test pit survey by AC Archaeology.*

This survey revealed that the development area has been extensively terraced with a thin layer of top soil over the underlying bedrock. Nevertheless, there is still the possibility that pockets of significant archaeology may survive within the phase 1 area. I would therefore recommend that [appropriate] conditions are attached to any planning consents."

The **Arboricultural Officer** has confirmed that she has No Objections, subject to the imposition of appropriate Conditions.

The **Senior Landscape Officer** has commented that he supports the proposed building in principle, but has serious reservations regarding the Master Plan and identifies the proposed car park extension as a specific area of concern. His comments in full are as follows:

"The site falls within the Newton St. Loe Grade II Park and Garden of Historic Importance and is also within the Bristol - Bath Green Belt. The historic character of the site and its surroundings provide a strong sense of place which needs to be conserved by any interventions. This is a requirement of local plan policy BH.9. The local plan includes two Major Existing Developed Sites which under Policy GB.3 allows for 'limited infilling and redevelopment' subject to a number of requirements relating to Green Belt requirements, height and footprint. The phase 1 proposal, which these comments primarily refer to, falls within the northernmost one.*

The site currently contains two blocks of 2 storey domestic scale buildings each arranged around a rectangular courtyard with a car park containing and fronted by well-established trees which make an important contribution to views.

The general character of the area around the site is of domestic scale buildings set within a well-treed landscape. The proposed building in contrast is more monumental in appearance occupying a large footprint. The proposals eat into the well-treed character and introduce a large scale building which will break the skyline from some parkland views such as from Newton Drive. The proposed building would be large in scale emphasised by the unbroken roofline particularly seen from the key views to the east.

The site is widely visible from a number of viewpoints where the full scale of the proposed building will be evident. Views from Clay Lane to the south-east and the southern edges of Corston and Newton St Loe are particularly significant.

The design of the building appears to respond to the needs of the university however I question some aspects such as the provision of storage spaces on the ground floor providing an unsatisfactory façade seen from the important public space in front of the building. There would be no visual connection between the inside of the building and the outside at this point which would be further diminished by hedging shown against the front of the building. A similar issue arises on the north side of the proposed building.

The proposals include removal of a building called Doynton which enables restoration of the parkland character and of the open setting of the Main House at this location.

There are no trees east of the drive for most of the length of the proposed building. The retention of existing trees west of the drive is therefore welcomed but it should be noted that even with the proposed new planting this would provide only a relatively narrow belt given the bulk of the proposed building.

Lighting

The large expanse of glass particularly the glazed atrium will intrude into night-time views where because of the context needs to remain dark and where lighting needs to be carefully directed such as onto paths. It is hard to see how the lighting from the building can be adequately controlled. The Environmental Statement and Design and Access Statement gives aspirations for directional lighting and reducing spillage and particular care will be required in developing an appropriate lighting scheme.

Car Parking

The proposed car park extension will considerably increase the impact of what is already a large expanse of parking within a key part of the historic park and within the setting of listed buildings. The Master Plan does not adequately address the very significant impact of parking on the site.

Landscape objectives

I am generally supportive of the landscape approach outlined in the Environmental Statement and the proposed green roof is welcomed. I am not clear however how surface water run-off from the building and associated paved areas is being addressed. I encourage the proposal to relocate existing trees and look forward to receiving further details in due course. The success of relocating trees will be dependent on careful preparation in advance, timing of the move and ongoing maintenance.

Other considerations

The details show the amphitheatre steps as stone. These are intended for seating and

finishing with timber may be more comfortable and encourage more use.

Newton Park Master Plan

The Master Plan includes a number of beneficial elements for the environment including removal of a number of low quality buildings and implementation of aspects of the management plan. However it is noted that:

- a major part of the development is proposed outside the Major Existing Developed Sites,*
- the Master Plan doesn't seem to adequately address the very significant impact of parking on the site and*
- the proposals would have a major impact on the walled garden which is an integral part of the historic park and garden and is an important part of the historic workings of the estate. The proposals severely impact on the relationships between the walled garden and the Main House and parkland.*

Conclusion

In conclusion while I support the proposals in principle I have significant misgivings referred to above and in particular I cannot support the Master Plan in its current form which I consider if implemented would be contrary to BH9.

If the application is likely to be approved [appropriate] conditions need to be included. I am assuming tree protection issues have been addressed by the arboricultural officer."

2. Other Representations

The **Bath Preservation Trust** has Objected on the grounds that considers that the scale of the proposed building is too great and that as a result and because of its design characteristics, the proposal will detract from the setting of the listed buildings in the Park within close and more distant proximity and would have a detrimental impact on the character and historic interest of the registered parkland.

The **Georgian Group** is not a statutory consultee in this case, as the current proposals do not directly impact upon any of the listed buildings within the site. However, a formal Objection has been received from the Georgian Group. Concerns are expressed about the impact of the new academic building upon the character and setting of the principal listed house and its historic parkland setting, and the Georgian Group expresses the view that the proposed building is too high and too bulky, and that it will accordingly prejudice the primacy of the listed house in views across the park.

The **South West Design Review Panel of CABE** is also not a formal consultee, but was asked by the university to assess the submitted scheme, and has provided your Officers with a copy of its response letter, in which CABE makes a number of positive

comments supporting the scale and design principles of the proposed academic block. In particular, CABE supports the height reduction that has followed their earlier discussions with the university, and praises the manner in which they see the character of the new academic building as having been “*skilfully derived*” from analysis of the historic mansion.

The **Duchy of Cornwall** has been one of the key stakeholders involved most closely by the university in the evolution of its current proposals and its Draft Master Plan, and Members may well be aware that Bath Spa University occupy Newton Park under the terms of a long lease granted by the Duchy as owner of the site. Members should also be aware that issues relating to the relationship between a lessee and their landlord are typically not material to the consideration of a planning application by the LPA.

The Duchy has submitted detailed Objections to the LPA in respect of the current proposals, accompanied by extensive technical documentation and a barrister's Opinion. The Duchy's objections are as follows:

1. That the overall scale of the proposals – both for Phase I and for the campus as a whole – is excessive, and that it will harm the special character of the Park's sensitive historic landscape.
2. That the university's submitted scheme does not comply with a "design code" document produced by the Duchy.
3. That the two-level approach adopted by the university to the preparation of its EIA is inappropriate and unacceptable, as it does not meet the requirements of the EIA Regulations. The Duchy asserts that the EIA does not provide an adequately comprehensive assessment of all the environmental effects of the full range of development that is envisaged in the Master Plan.
4. That the Design and Access Statement submitted by the university does not include all the information required by the relevant Regulations and that accordingly the applications are invalid and should not have been accepted by the Council.
5. That the university has included development proposals on part of the Duchy's land over which the university has no control.
6. That the Officers' report in the Agenda for the April 2011 meeting did not adequately address the loss of existing student accommodation on the campus resulting from the proposed new development, which would be in conflict with Local Plan Policy HG.13.
7. That the Officers' report in the Agenda for the April 2011 meeting did not adequately address the traffic and parking implications associated with the loss of existing student accommodation on the campus.

Having regard to the range of concerns raised by the Duchy, your Officers' response to each of the points is summarised below for Members' convenience (using the same numbers as above). Each point is then dealt with in appropriate detail later in this report.

1. Your Officers have had regard to all the submitted documents, and to the subsequent comments and representations received, and attach the most significant weight to the positive comments received from EH and from the Garden History Society, and from the Council's own specialist Officers. On balance, it is considered that the proposed development will not have the adverse effects identified by the Duchy.
2. The design code document to which the Duchy refers has no formal planning status and should be given little weight. The LPA must determine the applications before it.
3. Your Officers have considered the points made by the Duchy, alongside the contrary barrister's opinion obtained by the university (and copied to the LPA). Your Officers are satisfied that the university's approach is appropriate and that the submitted documents provide sufficient information to allow the current applications to be determined.
4. Your Officers are satisfied that the Design and Access Statement is sufficiently comprehensive to meet the statutory requirements and that all the relevant information is available within the documents submitted by the university.
5. The elements of the site affected by this issue are small in relative terms (the point relates to the provision of a bus stop facility), but in any case this is not a material Planning consideration as it is a matter for the applicants in any particular case to secure any property rights that they need in order to implement their proposed development. In any event, Members will be aware that a Planning application can be lawfully submitted even in a case where the applicant has no legal interest in any part of the site. A Condition is necessary and appropriate in order to ensure that appropriate bus stop facilities are provided, if necessary in an alternative location, and this approach has been agreed by the university.
6. Policy HG.13 is now addressed in this Report, and your Officers conclude that the proposed development is on balance in accordance with the Council's adopted policies.
7. Access and Parking implications have now been addressed in more detail in the further comments received from the Highways Officer (see above), and an appropriate Condition is recommended to ensure that these matters are kept under review.

Planning Considerations

Members are reminded that your Officers have identified eight principal areas to be covered in this report. These are:

- 1 The correctness of the EIA approach adopted by the university.
- 2 The acceptability of the Draft MasterPlan.
- 3 The appropriateness of the proposed development within the Green Belt.
- 4 The impact of the proposed development upon the special character of the historic parkland setting.
- 5 The impact of the proposed development upon the special character and setting of the Listed Buildings at Newton Park.
- 6 The impact of the proposed development upon the ecology of the Park.
- 7 The “knock on” impacts of the proposed development in terms of the need to relocate functions elsewhere within the campus and the on and off-campus implications of the development.
- 8 Other Local Plan policy and general Planning considerations.

All these must be considered in the light of the relevant Planning Policy background, and also (as appropriate) with regard to the representations made in connection with the current applications.

Before continuing with an assessment of the Planning Considerations in this case, it is important to set out the range of Policies which are relevant to the proposals.

Section 38(6) of the **Planning and Compulsory Purchase Act 2004** states that for the purposes of making decisions under the Town and Country Planning Acts, the decision must be made in accordance with the Development Plan for the area, unless other material considerations indicate otherwise. Accordingly, the Planning Policy starting points for the consideration of the Bath Spa University proposals are the provisions of the **Development Plan** which comprises:

- The Joint Replacement Structure Plan (Adopted September 2002);
- The Draft Core Strategy and the emerging Bath & NE Somerset Local Development Framework (LDF)
- The saved policies in the Bath and North East Somerset Local Plan (Adopted October 2007).

The **Joint Replacement Structure Plan** originally had an expiry date of 2011. The majority of policies were saved by the former Secretary of State and will remain relevant in the assessment of planning applications until the Core Strategy is adopted. However, the document is of only limited direct relevance to the consideration of individual planning applications.

In December 2010 the Council published its **Draft Core Strategy** for further consultation. The document can still be given only limited weight, and in most

respects the Local Plan policies retain the highest level of significance in determining the current applications. However, unlike the Local Plan the Draft Core strategy includes a proposed Policy (B5) that is specifically relevant to development by the Universities.

In respect of Newton Park, proposed Policy B5 seeks “... *the redevelopment and intensification of the Newton Park campus to provide additional study bedrooms and academic space. Proposals should seek to optimise opportunities within the Major Existing Developed Site in the Green Belt Designation (MEDS) and in accordance with Policy GB.3 of the B&NES Local Plan before seeking to justify very special circumstances for development beyond it.*”

In addition, proposed Policy B5 indicates that off-campus student accommodation will be refused where it “... *would adversely affect the realisation of other aspects of the vision and spatial strategy for the city.*”

The **Bath and North East Somerset Local Plan** was adopted in October 2007. The majority of its policies have been saved by the Secretary of State, and the saved policies will remain relevant in the assessment and determination of planning applications until the Core Strategy and any other Development Plan Documents are adopted.

The Local Plan includes no policies specifically relevant to the Universities or Educational establishments, but a substantial number of Local Plan policies are relevant to a complex proposal such as this. The saved Local Plan policies that are relevant to the current case are listed below:

| | |
|--------------|---|
| IMP.1 | Planning obligations |
| D.2 | General design & public realm considerations |
| ES.1 | Renewable energy proposals |
| ES.2 | Energy conservation and protection of environmental resources |
| ES.5 | Foul and surface water drainage |
| ES.9 | Pollution and nuisance |
| ES.10 | Air quality |
| ES.12 | Noise and vibration |
| HG.13 | Loss of existing residential accommodation |
| HG.17 | Purpose built student accommodation |
| GB.1 | Control of development in the Green Belt |
| GB.2 | Visual amenities of the Green Belt |
| GB.3 | Major Existing Developed Sites |
| NE.1 | Landscape character |
| NE.10 | Nationally important species and habitats |
| NE.11 | Locally important species & habitats |
| NE.12 | Natural features: retention, new provision and management |
| NE.15 | Character, amenity and wildlife value of water courses |
| BH.2 | Listed buildings and their settings |
| BH.9 | Parks and Gardens of Special Historic Interest |
| BH.11 | Scheduled Ancient Monuments & other sites of national importance |
| BH.12 | Important archaeological remains |
| T.1 | Overarching access policy |
| T.3 | Promotion of walking and use of public transport |
| T.5 | Cycling Strategy: improved facilities |
| T.6 | Cycling Strategy: cycle parking |
| T.8 | Bus strategy: facilities & traffic management to improve efficiency & reliability of bus operations |
| T.24 | General development control and access policy |
| T.25 | Transport assessments and travel plans |
| T.26 | On-site parking and servicing provision |

Supplementary Planning Documents (SPDs)

The following SPDs are applicable to the proposal:

Planning Obligations SPD (2009);
 Rural Landscapes of Bath and North East Somerset: A Landscape Character
 Assessment SPG (2003); and
 Archaeology in Bath and North East Somerset (2004)

National Planning Policy

National planning policies relevant to the assessment of the planning application are:

PPS 1: Delivering Sustainable Development (2006)
 Planning and Climate Change – Supplement to PPS 1
 PPG 2: Green Belts
 PPS 4: Planning for Sustainable Economic Growth (December 2009)
 PPS 5: Planning for the Historic Environment (March 2010) *[NB: Members are referred to the comments on this application from English Heritage, set out earlier in this report, which address the relevant parts of PPS 5 in some detail]*

PPS 7: Sustainable Development in Rural Areas (2004)
PPS 9: Biodiversity and Geological Conservation (2005)
PPG 13: Transport (March 2001).
PPS 23: Planning and Pollution Control (2005)
PPG 24: Planning and Noise (September 1994)
PPS 25: Development and Flood Risk (December 2006)

Regional Planning Policy

Regional planning policy is contained within Regional Planning Guidance for the South West (RPG 10, September 2001), which looks ahead to 2016. RPG 10 is now out-of-date and should therefore be given minimal weight in the determination of planning applications.

Planning Considerations 1 – the Scope of the Submitted EIA

Mention has already been made of the approach adopted by the university (in line with the conclusions reached in discussions with your Officers) to the preparation of its Environmental Impact Assessment. The proposed redevelopment of the campus at Newton Park represents a major programme of development over a lengthy period, and is of a scale that is inevitably likely to have significant environmental impacts within this very special and sensitive parkland environment. Accordingly, your Officers advised the university that an EIA would be necessary, and the scoping of the assessment was the subject of further detailed discussions.

This approach has been the subject of a detailed objection from the Duchy, whose representations are contained primarily in a barrister's opinion. In essence, the Duchy argues that the submitted two-layer EIA does not meet the requirements of the relevant Regulations. In the Duchy's view, the EIA should encompass the detail of all three phases of the proposed development. However this would mean that the university would have to work up the detail of the entire scheme, rather than proceeding in stages on the basis of an evolving masterplan and this is not practicable in the case of such a large scale and long term project.

Case law and guidance on the scoping of EIAs has established that a large development scheme which requires an EIA cannot legitimately be fragmented in order to create a patchwork of smaller schemes which, individually, fall beneath the thresholds that trigger a need for an EIA. This approach, known as "salami slicing" is not in issue here, since there is no question of the university's having sought to avoid the need for an EIA by dividing up an overall development into smaller components. Nonetheless, your Officers have borne in mind the caselaw and guidance in question, and have sought, in discussion with the university, to secure an approach that provides a level of assessment such as to satisfy the requirements of the relevant Regulations, but which does not unreasonably constrain the university's desire to undertake a phased design, demolition and construction process.

As a result, the university has undertaken a campus-wide EIA aimed at establishing key base-line information regarding the likely environmental impacts of the overall scheme, but has limited its assessment to a relatively high-level overview of these issues where they are dependent upon detailed design considerations. This overarching EIA will be reviewed as appropriate but will underpin all the future detailed planning submissions for demolition and development on the campus. In tandem with this document, the university intends to bring forward a focussed additional (and complementary) EIA document related to each element of the proposed development, to be submitted on an application by application basis. Thus, at each stage of the development programme, the LPA and its statutory consultees will be able to assess the environmental impact that will be generated by the development under consideration, whilst also having the ability to consider the wider implications of the full development programme including the cumulative impacts of the various individual schemes. This means that the EIAs do not have to be prepared on the basis of guesswork as to what each individual phase will look like, and the university is able to review and refine its detailed proposals so that each one is genuinely able to respond to contemporary functional requirements and financial opportunities.

After consideration of the provisions of the relevant Regulations, this approach was agreed by your Officers, because it was considered that for a development programme of this duration and complexity, it would not be reasonable to expect the university in 2011 to design every part of its development programme in full detail so that the whole could be considered together as one exercise.

In the past, in a situation like this, an applicant could have been expected to submit an Outline planning application for the development as set out in a Master Plan, with the details of individual buildings coming forward on a step by step basis as Reserved Matters applications. However, whilst there is in theory still an opportunity to submit an Outline application, the current requirements of the planning system effectively preclude this approach, as every planning application must now be accompanied by a Design and Access Statement detailing how the development has been designed with appropriate regard to its surroundings. In the case – as here – of a site that includes important Listed buildings, the LPA must consider the impact of the proposed development on the special character and setting of the Listed buildings, and this would not be possible with an Outline application. As a result any Outline application without extensive design details would be likely to be rejected by the LPA as inadequate to facilitate the necessary level of scrutiny.

Accordingly, if the current “staged approach” had not been acceptable, then the only alternative would be for the LPA to have required a fully-detailed set of development proposals for the entire campus. That would be a massive task that would severely prejudice the ability of the university to proceed with any proposals at all, and in such circumstances your Officers consider that the university would be unlikely to be able to implement its regeneration plans.

That is in effect what the Duchy is suggesting in making its objection to the current proposals and to their supporting EIA documents.

In response to the Duchy's objections, the university has sought its own legal advice and has provided your Officers with copies of it. The University's legal advice is to the effect that the approach adopted by the university is sound and that the LPA can determine the application, subject to the normal procedural requirements associated with EIA matters.

Your Officers have given careful consideration to the university's legal advice, alongside the contrary views expressed by the Duchy. Officers have also obtained their own legal advice from Counsel who advised that the university's approach to EIA is sound. Accordingly your officers have concluded that there is no EIA-related reason why the current application cannot be determined.

However, the comments received from EH, in association with those already received from other sources, made it necessary for your Officers to review the appropriateness of the Draft Master Plan. Members are now advised that the original Environmental Impact Analysis prepared by the university has been supplemented by an Addendum EIA which reviews and amends the original documentation in the light of emerging alternative proposals for the second phase of the proposed development programme. Although this second phase is not part of the current application, the proposals before the Committee have regard to and rely upon the EIA.

The Addendum EIA has itself been the subject of statutory publicity, and as a result, further objections have been received from the Duchy. These have again been the subject of an updated Counsel's opinion secured by the university. Your Officers recognise the importance of the EIA in the consideration of the current application, and have given consideration to the procedural objections raised by the Duchy, alongside the comments and advice on behalf of the university. In essence, the Duchy, using Counsel's opinion, argues that the EIA is inadequate and does not meet the relevant statutory requirements because it does not address the full details of the later phases of the development, but as indicated earlier, the university has obtained its own joint opinion by experienced Leading and Junior Counsel to the effect that the procedure adopted by the university, and scoped and agreed with your Officers, is acceptable.

The fact that the EIA has been supplemented by the Addendum documentation serves to demonstrate how the university's approach to the EIA adequately addresses the cumulative impacts of the development programme as a whole, and how the overall documentation can be expected to be refreshed and updated as more details of the proposed design and layout of the later phases emerge. It is of note that the university has recently submitted a Scoping Request for further EIA work that is intended to cover the future applications for Phase 2 of the development

programme. The statutory consultees on the current planning application include English Heritage and Natural England. Your Officers are satisfied, based upon the comments received from the various consultees, that the university's EIA (which must be considered in tandem with the Draft masterplan for the campus) adequately addresses the anticipated cumulative impact of the proposed development programme including, where appropriate, building demolitions, and has allowed the consultees to demonstrate an acceptance of the principles of the overall programme, whilst making comments and expressing reservations about the detailed configuration of the later phases of the scheme. The university has committed to bringing forward updated detailed versions of the EIA as design work progresses, meaning that whenever the LPA is called upon to determine a planning application, it will be able to do so with the benefit of a fully detailed EIA assessment of the development under consideration, in the context of an over-arching EIA addressing the cumulative impacts of the development programme as a whole.

Your Officers can advise members that we are satisfied that this approach meets the requirements of the relevant Regulations, and in particular that the documentation submitted to date has allowed the necessary level of understanding of the likely environmental effects of the current application development, **and of the cumulative effects of the development programme as a whole**. The Addendum EIA does not alter the assessment of the impacts of the current applications, but rather builds in further details of the university's emerging proposals for Phase 2, as incorporated into the latest revision of the Draft Master Plan.

However, the Duchy has also raised concerns regarding the adequacy of the Environmental Statement submitted in connection with Phase 1 generally. That document is criticised in some detail in the "*Review of Historic Landscape and Heritage Issues*" prepared on behalf of the Duchy Estate by the Environmental Dimension Partnership. In particular, Section 4 of the Review contains criticisms of the methodology employed and conclusions reached in the part of the Environmental Statement dealing with "*Landscape and Visual Impacts, including Historic Landscape and Architectural Heritage*", while section 5 contains criticisms of the way in which the developers' consultants have dealt with heritage issues.

Your Officers have assessed the Duchy's concerns, but have also had regard to the extremely detailed comments received from English Heritage and other statutory and non-statutory consultees, and to our own assessment of the level of information available to the LPA. Members are advised that the EIA documentation has been prepared by a highly experienced locally-based Consultancy, and that your Officers are of the view that whilst it is always possible to suggest alternative approaches or to criticise the methodology adopted by Consultants, ultimately, it is necessary only for the LPA to be satisfied that all the relevant environmental impacts (both specific and cumulative) have been assessed adequately in order to inform the determination of the current application.

The landscape analysis, historic environment assessments, and ecological assessments undertaken for the university are considered to be satisfactory, and it is evident too that EH and NE are each satisfied that the analysis of likely impacts is adequate in connection with the current applications. Further detailed analysis will follow as later phases come through the Planning process and the healthy debate now under way regarding the design details of Phase 2 will form a platform for the submission and assessment – on its own merits – of the detailed planning application for that phase. This is seen by your Officers as a strength of the process and allows the Planning process to function effectively without making unrealistic and unachievable demands upon a developer embarking on a complex and long-term set of linked development proposals. The approach adopted by the university is laudable, and in your Officers' view is an effective way of assessing the development's impact upon the environment, whilst allowing the necessary flexibility required for a project of this nature and scale.

In summary, the university is aware (and Members are now reminded) that any approval of the currently proposed Phase 1 of the development does not imply that future proposals will also be approved, and there can be no guarantee of LPA approval for future applications in respect of later phases of the scheme. Each planning application must be determined on its merits having regard to all material considerations, and at each stage, the extent to which the LPA is satisfied that there has been an adequate EIA analysis will be one of those material considerations. Notwithstanding the objections raised by the Duchy, Officers are satisfied that the submitted EIA documents are satisfactory and that the current applications can be determined.

Planning Considerations 2 – the Draft Master Plan

The Draft MasterPlan has been submitted by the university as a supporting document, and does not form a formal part of the applications under consideration. However, the existence of the Draft Master Plan, and the understanding that it brings of the strategic approach to development to which the university is committed, are crucial elements in the assessment and determination of the current applications. It is evident from the comments and objections received in connection with the current applications that the Draft MasterPlan is already proving to be an invaluable tool in the ongoing discussions regarding the detailed form and layout of later phases of the development programme.

The university has also committed itself to review the Draft Master Plan as may become appropriate in the light of continuing liaison with EH and other key stakeholders, and it must be emphasised that the emerging Master Plan should be seen by all parties as a "living document". In this form, it quite intentionally will allow significant changes in circumstances to be fully reflected in the university's programme and avoids the otherwise almost inevitable obsolescence from which a more rigid Master Plan would suffer.

In terms of the current applications, the proposed new academic building will displace existing student accommodation and car parking facilities, and the Draft Master Plan is critical in understanding the extent to which the University is facing up to the challenges posed by its need to remain functional as its development programme proceeds. In the next section of this report, the issues raised by Green Belt policy will be considered, but it can be made clear here that the existence of the Master Plan (albeit in a Draft form subject to review and potential revision) is an important element in the case being made for the development by the university.

Your Officers welcome the university's commitment to a master planned approach to the future development of the Newton Park campus, and can advise members that the current Draft Master Plan has emerged from detailed workshop-based negotiations between the university, the LPA, and other key stakeholders (including EH and the Duchy). The Master Plan approach facilitates an understanding of the form and general location of the elements of the university's programme, and also allows due recognition to be given to the demonstrable long-term environmental benefits to the historic Park. Whilst there will be substantial new development, this will be designed and located in order to minimise the visual intrusion of the buildings into the historic setting, and wherever possible existing buildings that are unattractive and/or intrusive are to be removed as an integral part of the university's proposals. Not only will the open Park character be safeguarded, but the appearance of the park will be enhanced by what the university has called "undevelopment".

It is clear that consultees – EH and the Garden History Society in particular – recognise the benefits that will flow from the strategic opportunity afforded by the Master Plan, in moving away from the challenging (and ultimately flawed) piecemeal approach adopted in the past. In addition, the extension of the master planned approach to encompass the university as a whole is a further benefit, bringing an opportunity to work with the university in respect of its off-campus impacts. These are principally focussed upon the location of student accommodation, and the implications of student movement between Bath and the Newton Park campus.

Thus, Members are advised that the current Draft Master Plan unavoidably remains the subject of ongoing discussion. It is anticipated that this document will be ready for more detailed consideration by Members when the Phase 2 planning proposals emerge during the late summer of 2011.

It must be noted here that EH has raised a significant concern regarding the manner in which the Draft Master Plan currently uses the scale of the proposed Phase 1 academic building as a pointer towards acceptable scale elsewhere on the campus. That approach is also rejected by your Officers, and Members are advised that the university has committed to holding further discussions with the key stakeholders on all unresolved elements of the Draft Master Plan. The approval of the current applications would not imply that a similar scale of development is acceptable

elsewhere and it will be necessary for the university to undertake further visual analysis in order to facilitate the necessary discussions on this point, and future applications will succeed only if the university is able to put forward convincing arguments in support, including demonstrating to the satisfaction of the LPA that the scale of each proposal is appropriate in its specific setting.

Planning Considerations 3 – Green Belt Policy

Members will be familiar with the saved Green Belt policies set out in the Local Plan, which are themselves closely related to the National guidance contained in PPG 2. The entire Newton Park campus lies within the designated Green Belt, and the university benefits from two Major Existing Developed Sites (MEDS), also designated in the Local Plan, which cover the two principal groups of existing buildings on the campus. The Green Belt and the MEDS are also referenced in Draft Core Strategy Policy B5 (see above). The currently proposed academic building sits entirely within the more northerly of the two MEDS on the campus.

In essence, the university is able to undertake limited infill and redevelopment within the MEDS sites, under the provisions of Local Plan Policy GB.3, but any other substantive development proposals on the campus are to be regarded as Inappropriate Development within the Green Belt that should be refused under the provisions of Policies GB.1 and GB.2 , **unless the university is able to demonstrate that very special circumstances exist such as to justify the granting of planning permission on an exceptional basis.**

Your Officers have assessed the current proposals against the provisions of Policy GB.3, and conclude that the proposed new academic building meets all the stated criteria in respect of redevelopment within the designated MEDS site. Even though the building represents an increase in footprint size when compared with the buildings to be demolished, it is clear (both from your Officers' own involvement in the pre-application process, and from the comments of CABE which are reported above) that this increased footprint has been a considered judgement resulting from a determination on the part of the university to reduce the height of the development in order to benefit visual amenity in accordance with the adopted policy.

On this basis the current proposals for the new academic building fall within the scope of Policy GB.3, and accordingly, they do **not** have to be regarded as Inappropriate Development in the Green Belt. However, the location of the proposed building within the central area of the MEDS must also be recognised, as must the environmental benefits to the MEDS that will flow from the replacement of existing buildings with a new structure that sits further away from the edges of the MEDS and which will be well-landscaped, and also the university's design that limits the height of the structure so that it sits comfortably within the group of existing buildings that will remain. The comments received from EH, the Garden History Society, your

Conservation Officer and also from CABE support the university's approach in confirming that the development has been carefully designed to avoid overpowering the listed mansion. The contrary view expressed by the Duchy and by the Bath Preservation Society and the Georgian Group has been carefully considered, but ultimately the statutory weight of EH is the determining factor. Your officers are satisfied that in the current proposals the replacement of existing buildings within the MEDS site with one more extensive structure has been achieved without materially increasing the impact of the MEDS development upon the primacy of the Grade I listed mansion, or upon the sensitive character of the historic Grade II* parkland setting.

The Senior Landscape Officer has raised a strong objection to the approach adopted by the university to the provision of car parking, and his concerns must be weighed in the determination of the Phase 1 proposals. However, the car park extension currently proposed is clearly stated to be temporary, and it is clear from the on-going discussions regarding Phase 2 of the development programme that the car park area is likely to be redesigned in its entirety. On a stop-gap basis only, Members are advised that the proposed temporary car [ark extension is acceptable and forms an essential part of the implementation programme of the Phase 1 development. A Condition will be necessary in order to ensure that the temporary car park is indeed removed in due course.

It should be noted here that the Energy Centre and other minor additions included within the second of the two current applications also fall within the provisions of Policy GB.3 and are also therefore not Inappropriate Development within the Green Belt. The proposed temporary car park extension would not impact upon the openness of the Green Belt, and is therefore acceptable within the terms of Policy GB.1, although its temporary nature is also a material consideration in this respect.

Notwithstanding your Officers' conclusions as set out above that the current proposals do not conflict with Green Belt policy, it must also be said that in its Draft Master Plan and in the other supporting documentation with these applications, the university has put forward a compelling argument in favour of a strategic approach to the future development of the campus. That argument demonstrates why only some of the university's proposals can be accommodated within the MEDS on the site, and also seeks to establish the principle that new use-based zones of development can be established within the campus in order to enable the university to optimise the efficiency of its site, to enhance the character and amenity of this historic parkland setting, and to provide the best possible facilities for staff and students in the future.

The principles incorporated into the Draft Master Plan have been the subject of the closest scrutiny through a prolonged pre-application consultation phase, and the comments received from the primary statutory consultees demonstrate the support that has been earned through that approach. Whilst there will clearly need to be further discussions regarding the design details of the later phases of the university's

programme, the emerging principles established by the Draft Master Plan are generally welcomed and are seen as an invaluable platform for the consideration of development proposals. The whole exercise gains additional credibility through its foundation upon the results of the university's EIA.

Members are referred to Draft Core Strategy Policy B.5, which provides that whilst development should first be focussed on the MEDS, the principle of development outside the MEDS is not ruled out. The currently-proposed buildings are within one of the MEDS on the campus, and the Draft MasterPlan sets out the basis upon which later parts of the development will be located.

Having regard to all the submitted documents, together with all the material comments submitted by interested parties, your Officers are satisfied that the university has demonstrated the most robust set of very special circumstances to justify not only the currently proposed academic and ancillary buildings, but also the principles for the other phases of the development programme, as set out in the Draft MasterPlan.

Members are therefore advised that the currently proposed buildings can be approved within the terms of the Local Plan's saved Green Belt policies, and do not therefore fall to be considered as a Departure from the Development Plan. Whilst the proposed temporary car park extension is a stop-gap arrangement only, because of its open nature it would not in itself be considered to be Inappropriate Development. Notwithstanding this, a temporary car park in this location is not a suitable long-term solution in this sensitive environment. A Condition will therefore be necessary in order to secure the reinstatement of the land affected by the temporary car park at the end of the temporary period, which (in the light of the university's stated intentions regarding Phase 2) should not exceed 3 years.

It is likely that the temporary car park will, within three years, be superseded by permanent parking proposals as part of Phase 2. However, and for clarity, Members are advised that whilst it is appropriate for the decision on the current application to indicate a level of agreement with the principles set out in the Draft Master Plan, the applications that will in due course be submitted in respect of Phases 2 and 3 of the university's development programme must each be considered on their own planning merits, having regard to all material considerations. Acceptance of principles now does not lead directly to approval of details in the future, and the university will need, to make very special circumstances arguments in support of any future individual application which proposes, in whole or in part, inappropriate development within the Green Belt.

Planning Considerations 4 and 5 – the impacts of the proposed development on the special character and appearance of the historic parkland and the special character and setting of the Listed buildings at Newton Park

Bath Spa University occupies the “Main House” at Newton Park as its administrative core, and the visual and functional primacy of the building has been safeguarded as the university complex has grown over the years. The site is included on EH’s Register of Parks and Gardens at grade II*, and additionally, the masterplan area encompasses a number of listed buildings, including the main house which is listed grade I, and a scheduled monument, St Loe's Castle.

EH has made detailed comments on the current proposal, and these have been set out in full earlier in this report. Your Officers advise that as the EH comments are so comprehensive, and as their conclusions are supported in full by the Council's Senior Conservation Officer, there is no additional need to set out the historic environment issues associated with the site and with the current scheme. EH conclude that they have no objections to the current proposal, and recognise that the proposed academic building “...has significant mass and bulk. The impact of this form will, in our judgement, be most apparent in near views within the academic area of the site. It is only in more distant views (for example Clay Lane) that the new academic block will be perceived in conjunction with the main house. Having considered the evidence ... we consider there is sufficient physical distance between the main house and Phase 1 to enable the house to retain its primacy within the landscape. The increase in visual presence of this building needs to be weighed against the overall public benefit of the proposals. We are also mindful of the fact that no new development is proposed in the vicinity of the house and that the historic drives and planting (including further restoration planting proposed in the masterplan) reinforce the concept of a country house set in its landscape park. ... whilst it is acknowledged that the proposed finishes of the new building are not, like the main house, Bath stone and slate, the colour palette is not dissimilar. The proposal, in our view, has architectural integrity as a building clearly of the 21st century to provide [a] hi-tech academic centre.”

Your officers have had regard to the detailed advice from EH, as well as to the provisions of PPS 5, and have also taken account of the contrary views expressed by the Duchy, the Georgian Group and the Bath Preservation Trust. The Senior Landscape Officer’s objection relates only to the temporary car park extension, and not to the proposed new buildings. However, on balance, and noting the visual benefits that will flow from the removal of some of the existing buildings on this part of the campus, your Officers conclude that the proposed academic block will not harm the character or appearance of the historic park, and that we support EH’s conclusion that the proposed building is far enough away from the Main House to avoid any significant threat to the Listed building’s special character, including its historic primacy in the landscape. The comments made by CABA were based more upon the architectural qualities of the submitted scheme, but it is evident from these comments as well as those from EH (quoted in the preceding paragraph) that there is a consensus within these organisations, again accepted by your Officers, that the design and materials proposed are appropriate in this sensitive location.

In contrast, the proposed temporary car park extension is not considered to be acceptable in either its location or its visual appearance, and would be recommended for refusal were it a permanent proposal. However, as has already been observed in this report, the expected proposals for Phase 2 of the university development scheme will be focussed on the same part of the site, and members are advised that the need for a temporary parking solution outweighs the limited harm that would be caused by the implementation of the car park extension **on a strictly temporary basis for a period of not more than three years**. A condition to control this is essential.

Planning Considerations 6 – The impacts of the proposed development on the ecology of the campus

As with EH and the historic environment issues, the LPA attaches great significance to the views of Natural England, who are the statutory consultees in respect of ecological issues associated with development proposals.

Natural England have withdrawn their earlier objection, subject to the imposition of appropriate Conditions to address Biodiversity and Nature Conservation issues. Further representations direct to NE by the Duchy have prompted a review by NE of the position set out in their correspondence, but the eventual conclusion is that the NE position remains unchanged. NE has not identified that the development will have any significant impact on designated European conservation sites, and NE can foresee no reason why they would not be in a position to grant the relevant licences associated with protected species on the site. In the light of this, the Council's own Ecologist has confirmed that she is satisfied that the current proposals meet the three statutory Habitats Regulations tests.

Members are therefore advised that whilst continued scrutiny of ecological matters will form an integral part of the on-going work on the university's emerging development programme, your Officers are satisfied that (subject to the imposition of Conditions as required by NE) there is no Ecological reason for objecting to the current proposals.

Planning Considerations 7 – The “knock on” impacts of the proposed development in terms of the need to relocate functions elsewhere within the campus and the on and off-campus implications of the development

Members will by now understand that the university's redevelopment programme is predicated upon the ability to move various functions around within the campus as a whole. Thus the Phase 1 academic building is dependent upon the university being able to relocate the student accommodation that will be demolished in order to create the Phase 1 opportunity for new development.

This is the primary function of the Draft Master Plan – to facilitate an understanding of how the various component proposals come together strategically, and to overcome the difficulties associated with piecemeal development.

There are a number of other matters that need to be addressed here that are associated with the development programme in a wider sense.

Access and Parking

Members are referred to the comprehensive original comments made by the Senior Highways Development Control Officer. Since the original comments were made, discussions have taken place with the university's highways consultant, and further highways comments have been provided which confirm that the uncertainties expressed previously have been resolved to the point where any remaining outstanding matters can be addressed by the imposition of appropriate Conditions.

Members are reminded that the current application is in many ways a provisional proposal in access and parking terms, and that both the first phase academic building and the second phase replacement/additional student accommodation proposals will need in many respects to be implemented in tandem in order to deliver the strategy set out in the emerging MasterPlan. As a result, the second phase planning application can be seen as an imminent second opportunity to address access and parking detail, but within a planning application that includes the proposals for the permanent parking and access arrangements.

Newton St Loe Parish Council has expressed concern regarding the future use of the drive access to the university from the village, and Members are advised that the university's MasterPlan is proposing the closure of that access to vehicles (other than for emergency use) as part of its strategic development programme. That can only happen following the widening of the main entrance drive, and that is the subject of separate discussions with your Officers.

Further advice on access and parking issues will be available to the Committee at the meeting, but in a general sense Members are advised that in a complex redevelopment programme such as this it is typically necessary to accept that at various stages in the project, temporary solutions may be needed, the acceptance of which does not imply that they would be acceptable on a permanent basis. Your Officers are satisfied that the university's strategic approach is sound, but we are continuing to negotiate regarding the implications in access and parking terms of the phasing of the programme's implementation.

The university's general strategy is to move a greater proportion of students on to the campus, thereby reducing the need for student travel between Newton Park and Bath. As more details of these matters become fixed, your Officers will be seeking to secure a commitment by the university to the preparation and implementation of a Travel Plan. For the reasons stated above, that would seem to be more closely

related to the Phase 2 student accommodation proposals which will emerge later this year, but for the purposes of the current proposals, the Highways Officer advice is that the university's existing Travel Plan (in association with a Condition to be attached to any permission for the new academic building) is an appropriate mechanism to secure regular and effective reviews of the traffic and transport impacts of the development programme as it proceeds. Parking outside the campus is not seen to be a problem, because of the substantial walking distances involved and the availability of existing bus services.

Noise and Lighting

Newton St Loe Parish Council has expressed concern regarding the potential for noise from events at the university. Members are advised that the Phase 1 academic building does not seem likely to either improve or worsen the existing situation, and does not provide a legitimate opportunity to impose controls over the use of other buildings on the campus. Any significant noise disturbance from the campus generally is more readily controllable using the Council's Environmental Health powers.

An exception to this is the external amphitheatre area proposed as part of this application, and which is potentially to be used for outdoor performances. Natural England has recommended Conditions to address the potential for the use of this area to impact upon wildlife, especially bats. However, it is also appropriate for a Condition to be imposed requiring the submission and approval of an Operational Statement detailing the manner in which the amphitheatre is to be used, addressing the noise potential associated with each proposed use, and setting out what actions will be taken in order to control potential noise nuisance. This will enable the concerns expressed by the Parish Council to be addressed insofar as they relate to the current application.

A lighting strategy for the campus has been prepared by the university, which includes an analysis of the impacts of the various lighting regimes within the site at present. That document is under consideration as part of the Draft MasterPlan and it is likely that following discussions with the university, a means of securing its proposals will be brought forward in conjunction with the Phase 2 student accommodation proposals.

However, the details of the illumination of the Phase 1 site are also of concern from an ecological point of view, and again the potential for light nuisance can be addressed by appropriate Conditions. This will enable the concerns expressed by the Parish Council to be addressed insofar as they relate to the current application.

Energy and Waste Management

As mentioned above, the university is aiming to achieve a significant improvement in its energy self-sufficiency, both because it recognises the importance of this from an

economic and environmental perspective, and because it is a Government requirement associated with the availability of project funding.

The second of the two applications addressed in this report includes (*inter alia*) an Energy Centre, which is designed to house a biomass boiler as a major step in this direction. The university seeks to achieve “Excellent” BREEAM ratings for its new building, and is to be commended for this.

The university has adopted a Site Waste Management Plan aimed at identifying waste streams and addressing them within the development programme.

Air Quality

The university has indicated that the proposed development programme will not have a significant impact upon air quality as a result of traffic as there will be no increase in traffic on and around the campus.

Biomass boiler emissions will be monitored and controlled and again the university has confirmed that no significant impact on air quality is likely.

Archaeology

Members will note that the Council’s Archaeologist has confirmed that following an expert assessment on behalf of the university the Park is not seen as a likely source of important archaeological remains. However, he has recommended that any permission should have appropriate Conditions attached in order to address any unexpected finds during construction.

Planning Considerations 8 – Other Local Plan policy and general Planning considerations.

The Duchy of Cornwall has raised a specific concern associated with the loss of existing student accommodation on the campus, in order to create the opportunity to construct the proposed new academic building. The Duchy asserts that the demolition of the existing student accommodation is contrary to the provisions of saved Local Plan Policy HG.13.

Your Officers have given consideration to the concern raised by the Duchy, and have come to the conclusion that whilst there is a *prima facie* conflict with Policy HG.13, this must be weighed alongside the provisions of Policy HG.17 and the Draft Master Plan produced by the university, together with the provisions of Draft Core Strategy Policy B.5. The latter signals a requirement to optimise the use of the MEDS sites in order to provide university accommodation at Newton Park, and it is exactly this approach that is being delivered by the university through its emerging Master Plan. Essentially, the process must begin somewhere, and your Officers are satisfied that when the current proposals are assessed in the round, they demonstrate sufficient robustness to allow the conclusion that any conflict with Local Plan Policy HG.13 is

considerably outweighed by the clear intention of delivering substantial strategic benefits within the Newton Park campus, in support of other adopted Planning policies. Furthermore, the demolition of the existing buildings, which are relatively unattractive and not commensurate with the maintenance of a high-quality landscape within the park as a whole, facilitates a substantial environmental improvement which cannot be secured by any other means, and which is in accordance with the provisions of Policy HG.13.

Having regard to all the matters raised in this respect, Members are advised that there is no basis under Policy HG.13 for objecting to the current proposals, as the university's strategy, in accordance with Policy B.5, is intended to provide a significant net increase in the amount of student residential accommodation within the Newton Park campus as a whole.

The Duchy has also raised a specific concern regarding the comprehensiveness of the university's submitted Design and Access Statement. This document is a statutory requirement that is intended to pull together the relevant considerations that have led an applicant to submit a proposal in the form that they have selected. The document should provide a clear summary of the design and access features of the submitted proposals, so that the LPA and interested parties are able to understand why a proposed scheme looks like it does, how it will function, and how it relates to the planning policy framework in a general sense.

The university has submitted documentation that includes cross-references to other documents within the submitted applications, rather than presenting this information on a free-standing basis, and the Duchy has argued that this fails to meet the requirements of the relevant Regulations. Accordingly, the Duchy argues, the planning applications are invalid and should not have been registered by the LPA.

Your Officers have considered the matters raised, and have concluded that an insistence on the submission of free-standing documents without cross-references to other submitted information would achieve nothing, and that the clarity with which the university has presented its information in this case is more than adequate to satisfy the statutory requirements. There is therefore no basis for supporting the view taken by the Duchy on this point, and Members are advised that there is no reason why the two current applications cannot now be properly determined.

Conclusions

Your officers have considered the submitted proposals, along with all the supporting information, including the EIA documentation and the university's Draft MasterPlan (which does not form part of the current application). Consideration has also been given to all the various matters raised by the Statutory Consultees and by other

interested parties, including the Duchy of Cornwall. Whilst the Duchy is the university's landlord, its views have no special status within the Planning process.

Members are advised that whilst the Draft MasterPlan provides an important strategic view of the university's proposals and so establishes *principles* with some clarity, it currently includes some *details* relating to later development Phases that are still the subject of negotiations between the university and your Officers. Accordingly, whilst your Officers have concluded that the document provides sufficient weight to enable the current applications to be recommended for approval, the Draft Masterplan is not fully acceptable in its current form and requires to be subjected to further on-going work and discussion, both of which are underway.

Having regard to all these matters, your Officers have formed the view that the current Phase 1 proposals can be supported, and each of the two current applications is therefore recommended for Approval, subject to appropriate Conditions. A full schedule of the recommended Conditions for each application will be provided in time for the meeting. Members should note that in the case of application 10/04747/EFUL, whilst a permanent permission is recommended for the new academic building, the permission recommended in respect of the proposed car park extension will be limited by Condition and will be merely temporary.

Recommendations

Planning Application Ref: 10/04747/EFUL

PERMIT, subject to the following Conditions:

1. 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 permissions.
2. Insofar only as this permission relates to the construction of the temporary car park extension shown on the approved plans, the permission shall expire on 31st December 2014 and the car park extension shall be removed and the land restored in accordance with a scheme of works and a programme of implementation which shall be submitted for approval by the Local Planning Authority on or prior to 30th June 2014.
REASON: Whilst a permanent permission is granted for the proposed academic building and associated works, the Local Planning Authority considers that a permanent planning permission is not appropriate for the car park extension as this will adversely affect the character and appearance of Newton Park, contrary to Local Plan Policies D.2, GB.2 and GH.9.

3. Other Conditions as appropriate

Planning Application Ref: 10/04748/EFUL

PERMIT, subject to the following Conditions:

1. 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 permissions.

2. Other Conditions as appropriate