

**Democratic Services**

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**Your ref:****Our ref:****Date:** 18 October 2011**E-mail:** Democratic\_Services@bathnes.gov.uk**To: All Members of the Development Control Committee**

**Councillors:-** Lisa Brett, Neil Butters, Gerry Curran, 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

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Development Control Committee: Wednesday, 26th October, 2011**

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 26th October, 2011 at 2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 25<sup>th</sup> October in the Meeting Room, Lewis House, Bath.

The rooms will be available for the 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.**

*This Agenda and all accompanying reports are printed on recycled paper*

## 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. The designated exits are sign-posted.

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

**Development Control Committee - Wednesday, 26th October, 2011**

**at 2.00pm in the Brunswick Room - Guildhall, Bath**

**A G E N D A**

**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 28TH SEPTEMBER 2011 (Pages 9 - 26)

To confirm as a correct record the Minutes of the previous meeting held on Wednesday 28<sup>th</sup> September 2011

9. MAJOR DEVELOPMENTS

The Senior Professional – Major Developments to provide an oral update

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 27 - 96)

11. ENFORCEMENT REPORT - THE OLD ORCHARD, THE SHRUBBERY, LANSDOWN (Pages 97 - 108)

To consider a recommendation to take enforcement action regarding 1) the unauthorised orange coloured stone used in cladding the new dwelling; and 2) gates to the parking area onto the footpath and surface treatment not built according to approved plans.

12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 109 - 116)

To note the report

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 (Mode Code of Conduct) Order 2001 adopted by the Council on 21<sup>st</sup> 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 the 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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**DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING**

**BATH AND NORTH EAST SOMERSET**

**MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

Wednesday, 28th September, 2011

Present:- Councillor Gerry Curran in the Chair

Councillors Lisa Brett, Sally Davis (In place of Les Kew), Liz Hardman, Eleanor Jackson, David Martin, Bryan Organ, Jeremy Sparks (In place of Neil Butters), Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Tim Ball and Vic Pritchard

**47 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

**48 ELECTION OF VICE CHAIR (IF DESIRED)**

A Vice Chair was not required

**49 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Neil Butters and Les Kew and their respective substitutes were Councillors Jeremy Sparks and Sally Davis. An apology was also received from Councillor Doug Nicol.

**50 DECLARATIONS OF INTEREST**

Councillor David Martin stated that he was a member of the Council's School Service Major Projects Board that had considered the planning application at Oldfield School, Kelston Road, Newbridge, Bath (Item 1, Report 10 of this Agenda) and he would therefore leave the meeting for its consideration. With regard to Report 13 on Stowey Quarry, Councillor Jeremy Sparks stated that he was openly opposed to the development and had predetermined the matter. He would therefore leave the meeting for its consideration.

**51 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

The Chair stated that he had allowed an Urgent Item to be considered at this meeting regarding the Draft National Planning Policy Framework (NPPF) as comments were required to be submitted to the Government before the next meeting. The previously circulated report requested the Committee to (1) consider the changes to national policy arising from the Draft NPPF and the implications for B&NES as set out in the appended report to Cabinet on 12<sup>th</sup> October 2011; and (2) advise the Cabinet on the need for any further changes to the Draft NPPF.

The Senior Planning Policy Officer reported on the issues. Councillor Tim Ball as Cabinet Member for Homes and Planning commented on the matter and requested

any individual Member's views be submitted as soon as possible for the Cabinet meeting on 12th October.

Members discussed the issues and the proposed changes. Various views were expressed including:

- Concern regarding removal of brownfield targets from housing development
- Insufficient weight given to energy efficiency and renewable energy regarding sustainable development - the standard should be as high as practicable
- Little weight given to demography regarding more housing provision for older people
- The Certificate of Conformity was too vague and should be in line with the Core Strategy
- There should be more emphasis on protecting local green spaces
- A better definition of "sustainable development" was required

Members considered it to be a good report with a clearly set out summary of the issues. The Chair requested Members to make their views known to the Senior Planning Policy Officer and Councillor Tim Ball. The Officer stated that he would be willing to make a presentation to individual Groups if requested to do so.

**RESOLVED** (1) to support the proposed comments to the Department of Communities and Local Government (DCLG) set out in the report to Cabinet on 12th October; and (2) that the above views and any further views be submitted to Cabinet to forward to DCLG.

## **52 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Senior Democratic Services Officer informed the meeting that a speaker wished to make a statement about Stowey Quarry, Stowey, the subject of Report 13 on the Agenda, and that they would be able to do so before that item was considered. There were also members of the public wishing to make statements on Items 1 and 2 on the Plans List report and they would be able to do so when reaching those Items on the Agenda.

## **53 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There were no items from Councillors.

## **54 MINUTES: WEDNESDAY 31ST AUGUST 2011**

The Minutes of the previous meeting held on Wednesday 31<sup>st</sup> August 2011 were approved as a correct record and signed by the Chair.

## 55 MAJOR DEVELOPMENTS

The Senior Professional - Major Development gave a brief update to Members on developments at Dorchester Street/Bath Spa Railway Station and Bath Spa University. He responded to a Member's query concerning the lift installation at the Railway Station stating that this was an operational issue and the responsibility of First Great Western but it would be kept under review.

The Committee noted the update.

## 56 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- a report by the Development Manager on various planning applications
- an Update Report by the Development Manager on Item No 1, the Update being attached as *Appendix 1* to these Minutes
- oral statements by members of the public etc. on Item Nos. 1 and 2, 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 Oldfield School, Kelston Road, Newbridge, Bath - Erection of a new 4 court sports hall incorporating changing rooms, car park, multi-use game area, associated external works and landscaping** - The Case Officer reported on this application and her recommendation to grant permission. An Update Report comprising comments from the Landscape Architect and the Case Officer had been previously circulated. She further updated Members and recommended an additional Condition relating to levels of the site. The Chair of Governors made a statement in favour of the proposal.

Members asked questions about the materials and lighting etc. to which the Officer responded. Councillor Bryan Organ considered this to be an acceptable proposal and moved the Recommendation for permission to be granted which was seconded by Councillor Lisa Brett. Members debated the motion. The Senior Highways Development Control Engineer responded to queries regarding parking and it was confirmed that these matters would be dealt with under the Travel Plan and Operational Statement. After a brief discussion, the motion with the additional condition was put to the vote and was carried unanimously.  
(Note: Councillor David Martin was not present for this item.)

**Item 2 Filers Coaches, Wick Lane, Stanton Drew - Extend area of coach/bus stationing for an additional 10 vehicles (Resubmission)** - The Case Officer reported on this application and his recommendation to Refuse permission. An Agent representing objectors stated that he had registered to speak against this application but had not been included on the list due to a breakdown in communication. The Committee decided to allow him to speak on this occasion. He therefore made a

statement on behalf of objectors to the proposal which was followed by a statement by the applicants' Agent in favour.

After hearing a response to his query concerning the number of coaches that could be accommodated in the lawful part of the site, Councillor Martin Veal moved the Recommendation to Refuse permission. This was seconded by Councillor Bryan Organ.

Some Members supported the proposal as it was considered that there was little visual impact and it was a sustainable development providing jobs and transport for the local community. Other Members felt that the Green Belt policies should be adhered to due to the impact on the openness of the Green Belt. In response to a Member's query, the Senior Legal Adviser gave advice regarding the potential for a legal challenge by objectors if permission was granted. The Chair summed up the discussion supporting the Officer's recommendation to Refuse permission.

The motion was then put to the vote. Voting: 6 in favour and 5 against. Motion carried.

**Item 3 Closed Polestar Purnell Factory Site, Access Road to Works, Paulton - Mixed use redevelopment of former print works comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads**  
- This application was withdrawn from the Agenda.

#### **57 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee noted the report and the good success rate with appeals being dismissed.

#### **58 EXCLUSION OF THE PUBLIC**

The Committee decided that it was not necessary to go into Exempt Session for consideration of this matter. However, the written report circulated to Members with the Agenda would remain Exempt.

#### **59 PROPOSED CLAIM FOR JUDICIAL REVIEW - STOWEY QUARRY, STOWEY ROAD, BRISTOL**

The Committee considered (1) a statement by a member of the public; (2) a statement by the Ward Councillor Vic Pritchard expressing concerns about the permission; and (3) the issues surrounding a proposed claim for Judicial Review relating to the permission for landfilling of Stowey Quarry with non-reactive hazardous waste, namely, asbestos.

The Chair made a statement regarding certain errors made by the Council in dealing with the application and apologised to local residents and the applicant. He therefore moved that the Council consent to the quashing of the permission in the High Court on the basis that the site notice and newspaper advert did not comply with the EIA Directive and Regulations. This was seconded by Councillor Martin Veal and it was carried unanimously.

(Note: Councillor Jeremy Sparks was present but did not speak or vote.)

The meeting ended at 3.35 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**28 September 2011**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN  
AGENDA**

**ITEM 10**

**ITEMS FOR PLANNING PERMISSION**

Item No	Application No	Address	Page No
01	11/02504/FUL	Oldfield School, Kelston Road, Newbridge, Bath	23

**LANDSCAPE ARCHITECT COMMENTS** (23/09/11) following updated Landscape and Visual Assessment (summarised):

- One of the key landscape considerations is the impact of the proposals on the A431 route as it enters the World Heritage Site. The importance of the views from the A431 to the site and the importance of the landscape character of the road corridor as a contributor to the values of the World Heritage Site have not been recognised in the above assessment.
- The significance of the green character of the school frontage which is part of the wider character of this approach into the World Heritage Site, has been underplayed and the effect of any new planting has been exaggerated. In reality what has been described as a 'wide landscape strip' is sufficient for only one tree deep for some of the school frontage as well as requiring loss of several existing trees at this location.
- While it is recognised that the existing pond is currently a valued feature, its retention does impact on achieving a solution which would enable the sports hall to fit physically and visually more effectively with the rest of the key school buildings. It also compromises the ability to provide a satisfactory landscape strip beside the road commensurate with the importance of the route.

**CASE OFFICER COMMENTS:**

As noted in the report, your officers' are of the opinion that the concerns raised do not warrant a refusal of the scheme subject to a number of appropriate conditions, these are already proposed to protect the trees that are to remain and for new planting within the site.

Item No	Application No	Address	Page No
03	07/02424/EOUT	Closed Polestar Purnell Factory Site, Paulton	53

This application has been withdrawn from the Agenda



**SPEAKERS LIST  
BATH AND NORTH EAST SOMERSET COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE  
DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY 28<sup>TH</sup>  
SEPTEMBER 2011**

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>ITEMS FROM THE PUBLIC (ITEM 6)</b>		
Stowey Quarry, Stowey Road, Stowey	Heather Clewett	Statement
<b>PLANS LIST (REPORT 10)</b>		
Oldfield School, Kelston Road, Newbridge, Bath (Item 1, Pages 23 – 42)	Julie Cope, Chair of Governors	For
Filers Coaches, Wick Lane, Stanton Drew (Item 2, Pages 43 – 53)	Mike Swinton (Agent for objectors)  Nigel Salmon (Applicants' Agent)	Against  For

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**28th September 2011**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	11/02504/FUL	
<b>Site Location:</b>	Oldfield School, Kelston Road, Newbridge, Bath	
<b>Ward:</b> Newbridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a new 4 court sports hall incorporating changing rooms, car park, multi use game area, associated external works and landscaping	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Gas Pipelines, Greenbelt, Hotspring Protection, Major Existing Dev Site, World Heritage Site,	
<b>Applicant:</b>	Oldfield School	
<b>Expiry Date:</b>	18th August 2011	
<b>Case Officer:</b>	Victoria Griffin	

**DECISION** PERMIT with 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 Prior to the application of render to external walls as shown on the submitted drawings details of the colour and texture to be used shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

3 Prior to the occupation of the development, an Operational Statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the management of the access and parking areas by both the School and any community groups and hours of opening. The development shall thereafter be operated in accordance with the approved Operational Statement.

Reason: To ensure the safe operation of the highway.

4 Prior to the occupation of the development a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interests of sustainable development.

5 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 within the previously undeveloped areas of the site, with provision for excavation of any significant deposits or features encountered.

Reason: The site is within an area of potential archaeological interest and the Council will wish to examine and record items of interest discovered.

6 The development hereby approved shall not be used by anyone other than Oldfield School unless a Community Use Scheme showing details of the community use for the new sports hall and multi use games area (MUGA) has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a pricing policy, hours of community use, access by non school-users/non-members, management responsibilities and include a mechanism for review. The development shall thereafter be operated in accordance with the approved Community Use Scheme (or any replacement authorised in writing by the local planning authority).

Reason: In the interest of highway safety and to manage the community use of the sports facility.

7 No development shall commence until details of the protective fencing of the pond and badger sett exclusion area have been submitted to and approved in writing by the Local Planning Authority. Protective fencing shall be retained on site during the course of construction works.

Reason: To protect the ecology of the site.

8 There shall be no external lighting erected in connection with the approved building or the multi-use games area unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining residents.

9 No site works or clearance shall be commenced until protective fences which conform to British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions indicated on the approved plans. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

10 Prior to the commencement of works on site protective fencing around the pond as shown in the Ecological Method Statement shall be installed on site and shall be retained thereafter during the course of construction works.

Reason: To protect the natural ecology of the site.

11 The internal noise levels within the school hall shall be implemented in accordance with the acoustic statement that has been submitted with the application. The cumulative noise level of all plant associated with the proposed sports hall shall not exceed 52LAeq(1 hour) decibels and that any noise generated from the plant should not contain any impulsive or tonal sounds unless details have first been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

12 Prior to the erection of external walls a detailed specification of the external walling and roofing materials to be used shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and site.

13 No development shall take place until a detailed arboricultural method statement with tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall identify measures to protect the trees to be retained and the new planting areas beside Kelston Road and include tree protection measures during site preparation (including clearance and level changes , during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained.

14 No development shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

15 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided to the local planning authority on completion.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

16 Notwithstanding the submitted drawings no development shall commence until details of finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of the appearance of the development

17 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:**

The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

#### **Plans:**

Existing site plan PL AL (90) 001 - Existing site sections 002 date received 14/06/11  
Site Plan 4656SL01 REV A date received 23/06/11  
PL-AL/99/111 Proposed MUGA elevations date received 04/08/11  
PL AL (90) 003A Existing Kelston Road Elevation date received 05/08/11  
4656 PL-AL (90) 108 Extended site section BB date received 08/08/11  
PL-AL(90) 004A Tree Constraints plan date received 24/08/11  
PL-AL(90) 101 B Proposed site plan date received 24/08/11  
PL-AL(90) 102 A Tree protection plan date received 24/08/11  
PL-AL(99) 101A Proposed ground floor plan date received 24/08/11  
PL-AL(99) 102A Proposed roof plan date received 24/08/11  
PL-AL(99) 103A Proposed section date received 24/08/11  
PL-AL(99) 104A Proposed north and east elevations date received 24/08/11  
PL-AL(99) 105A Proposed south and west elevations date received 24/08/11  
PL-AL(99) 107A Proposed site sections date received 24/08/11  
PL-AL(99) 108A Extended site sections date received 24/08/11

#### **Documents**

Archaeological desk study date received 14/06/11, Revised design & access statement date received 24/08/11, Landscape and Visual Assessment dated 24/08/11, Very Special Circumstance Case dated 24/08/11, Tree survey and AIA Method Statement date received 24/08/11, Construction Management Plan Rev A date received 24/08/11, Tree Constraints Plan date received 24/08/11, Ecological Walkover Assessment Issue 2, August 2011, Email correspondence dated 03/08/11, Travel Plan date received 14/06/11, Heritage statement date received 14/06/11, Planning Statement date received 24/08/11, Sustainable Construction checklist, Ecological Method Statement date received 16/06/11, Amended tree assessment date received 23/06/11, Traffic Operation statement date received 04/08/11, Tree report date received 04/08/11

## 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. The proposed development is contrary to the Policies set out below at B and represents a Departure from the Development Plan. However, the relevant publicity and referrals have taken place, and the planning merits of the proposed development outweigh the conflict with these Policies.
3. 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.
4. There exist very special circumstances to support this application which outweigh the harm that would be caused to the green belt by reason of inappropriateness as set out in PPG.2 and Policies GB.1, GB.2 and GB.3 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007
5. By reason of its size, siting and design and the distance from adjacent listed assets, the proposed sports facility will not harm the setting of the Grade II listed building or listed buildings nearby or the setting of the recreational area and will not harm important archaeological remains or their setting, in accordance with Policies BH.2, BH.9 and BH.12 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007
6. The size of the development in the location as proposed will not adversely harm the setting of the Bath World Heritage Site in accordance with Policy BH.1 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007.
7. The proposed materials are considered acceptable and the contemporary design will not adversely impact on the street scene or wider public realm, by reason of its siting, landscaping and distance from adjacent properties, the proposed will not detrimentally harm residential amenity, in accordance with Policies D.2 and D.4 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007
8. The proposed development with appropriate conditions will not detrimentally harm the existing trees and with careful landscaping, the works will improve the coverage of trees in this area, in accordance with Policy NE.4 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007.
9. The managed use of the sports hall facility in line with appropriate conditions is not considered to detrimentally impact on the safety of highway users or harm parking and access, in accordance with Policies T.24 and T.26 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007
10. The loss of the playing field to accommodate the multi use games area would result in the provision of additional sports facilities and is not considered to conflict with policy SR.1A and SR.4 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007

### A

Local Policies relevant to the decision

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.4 - Trees and Woodland Conservation  
GB.1 - Control of Development in the Green Belt  
GB.2 - Visual Amenities of the Green Belt  
GB.3 - Major Existing Development Sites  
BH.1 - World Heritage Site  
BH.2 - Listed Buildings and Their Settings  
BH.9 - Parks and Gardens of Special Historic Interest  
BH.12 - Important Archaeological Remains  
SR.1A - Protection of Playing Fields and Recreational Open Space  
SR.4 - New Sports and Recreational Facilities  
T.24 - General Development Control and Access Policy  
T.26 - On-site Parking and Servicing Provision

National Policy:

PPG.2 - Green Belts  
PPS.5 - Planning For the Historic Environment  
PPG.17 - Planning For Open Space, Sport and Recreation

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B

Local Policies relevant to the decision

Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007

GB.1 - Control of Development in the Green Belt, GB.2 - Visual Amenities of the Green Belt, GB.3 - Major Existing Development Sites

Informatives: Possible public right of way CQ24 shown on the plan by an orange dashed line runs through the development site. The full width of the path should not be affected during or after construction. No gates or barriers may be erected across the path.

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to the Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of the Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

The applicant is advised to contact Wessex Water with regard to the proposal to agree points of connection and ensure existing apparatus is adequately protected.

Any significant works to incorporate Sustainable Urban Drainage systems within the site may require a separate planning application.



**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](http://www.planningportal.gov.uk).

<b>Item No:</b>	02		
<b>Application No:</b>	11/03051/FUL		
<b>Site Location:</b>	Tia Filers Coaches, Wick Lane, Stanton Drew, Bristol		
<b>Ward:</b> Clutton	<b>Parish:</b> Stanton Drew	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Extend area of coach/bus stationing for an additional 10 vehicles (resubmission).		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt,		
<b>Applicant:</b>	Filers Coaches		
<b>Expiry Date:</b>	7th September 2011		
<b>Case Officer:</b>	Mike Muston		

**DECISION REFUSE** for the following reasons

1 The proposed expansion of the area to be used for coach parking would represent 'inappropriate development' in the Green Belt, and without any very special circumstances applying, and the proposal is contrary to Policy GB1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

2 The proposed expansion of the area used for coach parking and the increase in the number of vehicles parked at the site would detract from the openness and rural character of this area within the designated Green Belt, contrary to Policy GB2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

3 The proposal would be likely to increase vehicle movements, including those of large vehicles, on the local road system which is unsuitable to accept additional traffic by reason of its inadequate width, alignment and junctions. The proposal would therefore be likely to result in congestion and inconvenience to other road users, contrary to Policy T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

4 The proposal is in a location remote from services and public transport facilities to enable staff to access the site, and would be likely to increase the vehicle journeys to and from the site both by coaches and other vehicles. This is contrary to Government Guidance in Planning Policy Guidance Note No 13 and the objectives in respect of

reducing the adverse impact of travel on the environment, set out in Policy T1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

#### **PLANS LIST:**

Drawings PL 2678/1, 2A and 3 and Planning Statement and related information, all received 13 July 2011.

<b>Item No:</b>	03	
<b>Application No:</b>	07/02424/EOUT	
<b>Site Location:</b>	Closed Polestar Purnell Factory Site, Access Road To Works, Paulton, Bath And North East Somerset	
<b>Ward:</b> Paulton	<b>Parish:</b> Paulton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application with an EIA attached	
<b>Proposal:</b>	Mixed use redevelopment of former printworks comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads	
<b>Constraints:</b>	Forest of Avon, General Development Site,	
<b>Applicant:</b>	Purnell Property Partnership	
<b>Expiry Date:</b>	2nd November 2007	
<b>Case Officer:</b>	Mike Muston	

**DECISION** This application was withdrawn from the agenda prior to the Committee meeting.

<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Development Control Committee</b>
MEETING DATE:	<b>26th October 2011</b>
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)
TITLE:	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
WARDS:	ALL
BACKGROUND PAPERS:	
<b>AN OPEN PUBLIC ITEM</b>	

## 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.

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	10/04868/CA 16 February 2011	Telereal Trillium Kingsmead House, James Street West, City Centre, Bath, Bath And North East Somerset Demolition of Kingsmead House.	Kingsmead	Ian Lund	CONSENT
02	10/04867/FUL 8 April 2011	Telereal Trillium Kingsmead House, James Street West, City Centre, Bath, Bath And North East Somerset Erection of a 177-bed hotel incorporating conference facilities, restaurant, café/bar and associated facilities, servicing and works following demolition of Kingsmead House.	Kingsmead	Mark Reynolds	Delegate to PERMIT
03	07/02424/EOUT 2 November 2007	Purnell Property Partnership Closed Polestar Purnell Factory Site, Access Road To Works, Paulton, Bath And North East Somerset, BS39 7LQ Mixed use redevelopment of former printworks comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads	Paulton	Mike Muston	VARIATION OF SECTION 106 AGREEMENT
04	11/02486/FUL 24 August 2011	Mr & Mrs E Benham 80 Brookfield Park, Upper Weston, Bath, Bath And North East Somerset, BA1 4JJ Erection of a two storey side and rear extension and conversion to 4no. flats.	Weston	Alice Barnes	PERMIT

05	10/04399/FUL 16 February 2011	Avon Wildlife Trust Folly Farm, Folly Lane, Stowey, Bristol, Bath And North East Somerset Change of use from Class C2 to Mixed Use combining Classes C2/ D2 for residential education, wedding ceremonies and receptions with ancillary cafe, teaching and workshop facilities (Retrospective)	Chew Valley South	Andy Pegler	REFUSE
06	11/03877/FUL 31 October 2011	Mr And Mrs N Roberts 11 Old Newbridge Hill, Newbridge, Bath, BA1 3LX, Provision of loft conversion with 1 no side and 1 no rear dormer (Resubmission)	Newbridge	Jonathan Fletcher	REFUSE

**Item No:** 01  
**Application No:** 10/04868/CA  
**Site Location:** Kingsmead House, James Street West, City Centre, Bath



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Douglas Nicol    Councillor A J Furse  
**Application Type:** Conservation Area Consent  
**Proposal:** Demolition of Kingsmead House.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,  
**Applicant:** Telereal Trillium  
**Expiry Date:** 16th February 2011  
**Case Officer:** Ian Lund

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE:**

The demolition of Kingsmead House and its replacement with a hotel building represents a significant change within the conservation area. A Ward member has requested that a parallel planning application is considered by the Committee.

### **DESCRIPTION OF SITE AND LOCATION**

Kingsmead House is situated on the north east side of the intersection of Charles Street and St James Street West, diagonally opposite the façade of the former Green Park railway station. Charles Street operates as an urban ring road, with the application site located on the inner, city centre, side of the road.

The west side of Charles Street is flanked by a terrace of 18th century listed buildings which step up the slope from the south to the north. The terrace has three stories above road level with additional accommodation in the roof space. Further three storey listed buildings exist higher up Charles Street. In James Street West, The Metropolitan public house is a two storey traditional building opposite the application site that offers some human scale. To the east of the site Kingsmead House is the insensitive Rosewell Court block of maisonettes which truncated Kingsmead Street as a through route in the post war era. Kingsmead House itself has a central tower of eight storeys height above ground level. The core, which rises out of single storey podium on the north and south sides, is aligned parallel to James Street West. The rear elevation of the building faces a service yard and car park. To the north, the car park abuts a commercial building known as Plymouth House.

The application building is partly faced with ashlar stone blocks. It was conceived as a government office block but is currently vacant. It dates from the second half of the 20th century and its design was clearly influenced by the state brutal style used for many public buildings in the post war era.

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

### **RELEVANT PLANNING HISTORY**

It is understood Kingsmead House was erected without the need for planning permission. As a government sponsored building it was authorised under a notice procedure.

There is a parallel application for the construction of a 177-bed hotel incorporating a restaurant, café/bar, and conference facilities following the demolition of Kingsmead House. The overall scheme was discussed at a South West Design Review Panel in March 2011.

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

ARCHAEOLOGICAL OFFICER: I recommend that a condition is attached to any consent aimed at preventing damage to potential below ground archaeological deposits during demolition.

ENGLISH HERITAGE: No comments (consulted as the redevelopment proposals exceed 1000sq m)

ENVIRONMENTAL HEALTH: The demolition of the existing building and the construction of the new hotel has the potential for adverse impact on local residents and businesses. This needs to be controlled and the Council has a code of practice in respect of such works. I advise that an application for prior approval under Section 61 of the Control of Pollution Act 1974 should be secured by condition.

The application has been publicly advertised and eight written representations have been received.

ONE RESIDENTIAL NEIGHBOUR raises a potential loss of light to Rosewell Court. As this matter relates to the construction of a replacement hotel building this representation is better considered in the context of a parallel planning application and have been duplicated to that file.

A COMMERCIAL NEIGHBOUR is concerned at the impact of dust, smoke, vibration, electrostatic and electromagnetic interference on sensitive equipment.

A RESIDENT OF BATH considers Kingsmead House to be a blot on the World Heritage Site but objects to demolition because the proposed redevelopment is too big and does not add anything attractive to the area, and will detract from Charles Street and Green Park station.

THE SOUTH WEST TRANSPORT NETWORK support the demolition of Kingsmead House but consider this should be followed by a mix of low cost hotel rooms, and affordable housing and student accommodation.

THE GEORGIAN GROUP objects to this application and advises that it is refused consent for the following reasons:

The area of James Street West and Charles Street saw unsympathetic alterations in the post war period, which included the building of Kingsmead House and the Telephone Exchange. Nonetheless, the site is within a conservation area, and forms part of a World Heritage Site. The site is also within the context of a number of listed buildings dating from the early nineteenth century, representative of the former appearance of the area as a medium-density, largely residential district. Despite twentieth century developments the area still retains the character of a Georgian planned development and the early nineteenth century street plan still remains.

While the Group has no objection to the demolition of Kingsmead House the design of the proposed hotel building will neither reflect nor augment the architectural quality or historical character of the World Heritage Site.

Any new building on this site should seek inspiration from the pre-twentieth century appearance of this part of Bath and attempt to re-establish an historical context between the listed buildings with the Kingsmead House side of the street by creating a dialogue of scale and taking any design cue from the surrounding early nineteenth century buildings. The proposal would have a negative and damaging impact on the context of the surrounding listed buildings, the character of the conservation area and the architectural integrity of the majority of the World Heritage Site.



The Group advises that the design of the proposed building does not follow the advice given under Policy HE7.5 of Planning Policy Statement 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.

There is a very sound body of evidence for the pre-twentieth century appearance of this part of Bath and any design for a new building on this site should take its cue from the historical appearance of the area. This development should be treated as an opportunity to rectify the damage done to Bath's historic environment in the twentieth century by short-sighted, ill-informed development. However, the proposed design displays little regard for the detailing and scale of the surrounding listed buildings, or the overall character of the World Heritage Site. Any building on this site should seek to preserve or enhance the historical character and special interest of Bath and should seek to harmonize with the visual amenity provided by the neighbouring listed buildings.

The Group strongly advises that any new building should respect the historical opening left between Kingsmead House and the Telephone Exchange, which has existed as part of the street-plan since the early nineteenth century. The current proposals seek to build upon this opening and the Group advises that this is resisted.

THE FEDERATION OF BATH RESIDENTS ASSOCIATIONS welcomes a hotel but with a reduced mass and more space around the main visitor entrance. A detailed analysis is given. The internal floor space is 50% higher than provided in the existing buildings on the site. Moreover, while Para. 3.2 states that the building is 4 storeys rising to five, if the ground floor is included, this statement really should read five storeys plus an attic storey, which is excessive for the site and out of scale with the Bath norm (better with four storeys + an attic). Further, as the hotel is sited hard on the public pavement it will appear taller than the traditional Bath buildings that are set back with railings around open basement areas. These representations have also been forwarded to the planning application file but are also of tangential relevance to the subject application for conservation area consent.

BATH HERITAGE WATCHDOG has also submitted comprehensive representations:

These are a disappointing set of proposals for a number of reasons.

- despite the proposed demolition of one of Bath's worst reminders of the 'packing case' style favoured in the 'Sack of Bath' and one of the most visible blots on the city, its proposed replacement is little better in its architectural treatment.
- after universal scorn was heaped on the designs for the Western Riverside we are presented here with a basically similar approach in a style not that far removed from that of the Western Riverside. There are considerable similarities with structures in London and with the town hall in Murcia, Spain. It has no 'Bathness'.
- the local voices that understand what can be termed as 'Bathness' have been ignored.
- from a consultation approach, because the resultant design is probably worse than those shown on the display boards. The public consultation document is 'Tick Box' oriented and pays virtually no attention to suggestions made by the public.

- the architects have failed to understand the location and its character and the added impact of a corner location and have responded to it with a design that overwhelms its surroundings with its scale and mass and height.
- yet again this is an isolated development approach when a cohesive master planning approach is what is required.
- once again Bath has been failed. Here is a unique opportunity to replace something bad with something good. As buildings that were erected during the 'Sack of Bath' reach the end of their life, there is an opportunity to repair the damage that was caused to the townscape. We feel that opportunity has been missed.

As regards the Conservation Area despite the standard of some of the surrounding structures, this is a Conservation Area and the applicable local and national policies must apply. We would not wish to see Conservation Area consent hurriedly granted to see the back of the current building without a superior replacement. In their current form we feel the proposals are sadly lacking.

Although there is no objection in principle to the demolition of the existing structure the proposals in their current form are unacceptable. We believe demolition consent should be refused or withheld until acceptable plans are in place.

In order for Conservation Area consent to be granted it must be proved that any new structure has a positive benefit. Perhaps the hope is the fact the current structure must be top of the charts for removal, so there could be a presumption that anything else therefore is better. But it isn't, and replacing an unloved building with a short residual life with an unloved building with a longer residual life is not by any stretch of the imagination a positive benefit.

The BHW also included a lengthy critique of the proposed replacement development. Whilst of some relevance to the application for consent to demolish Kingsmead House it is of most significance to the parallel application and has accordingly been copied to that file. In summary however it is argued that the proposals in their current form are not acceptable and by virtue of its height, scale, mass and form combined with its uncharacteristic design elements and materials will have a detrimental and negative impact on the Conservation Area and the setting of listed buildings. The proposals are little improvement on that existing (therefore Conservation Area Consent should be withheld or refused) until such time that considerable improvements are submitted.

BHW remain concerned that there is an unofficial contemporary design code/pattern for Bath driving this design. In its current form both applications fail to comply with relevant policies of the Local Plan and with guidance in Policy in PPS5 and should therefore be refused.

BATH PRESERVATION TRUST have commented that the Kingsmead area provides an opportunity to stitch back together the fragmented street pattern and building form in the part of the City, and better reveal the significance of the historic environment. The Trust regrets that the Council does not yet have a redevelopment brief for Kingsmead which considers the historic context, the layout of new development, the potential mix of uses, and the public realm.

Kingsmead House is a prominent site within in the World Heritage Site and the Conservation Area. The Trust recognises that this building makes a negative contribution to the character of these heritage assets and we do not oppose demolition provided that there is an acceptable proposal in place for a suitable replacement building. A replacement building must preserve and enhance the character and appearance of the conservation area and the setting of adjacent listed building, protect the Outstanding Universal Value of the World Heritage Site and make a positive contribution to the local distinctiveness of Bath. We do not consider that the current planning application meets this statutory requirement and an objection has been submitted.

## **POLICIES/LEGISLATION**

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.

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 Area's special interest. Consideration of the criteria in greater detail is encapsulated in the assessment below.

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.

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".

## **OFFICER ASSESSMENT**

Conservation area consent is required for the demolition of unlisted buildings in conservation areas. The merits of the building and its contribution to the character and appearance of the conservation area are key considerations when assessing demolition proposals. Where demolition is considered acceptable, careful consideration can be given to the design and quality of the replacement scheme. In the event that members consider the design of the replacement scheme unacceptable, it follows that the committee would be within its rights to withhold conservation area consent.

There are three main potential heritage assets to be considered - Kingsmead House itself, the nearby listed buildings, and the wider conservation area / World Heritage Site.

The submitted information establishes that the building was erected during 1964/5 but there is no research on the identity of the architect or the reasons lying behind the design of the structure. It is likely the building was in fact designed as a social security office by W. S. Frost, a senior architect with the Ministry of Public Building and Works. It can be said with greater certainty that Kingsmead House was once part of the brave new world of architecture. It essentially consists of a steel and concrete frame with extensive external cladding panels rising from a low podium. It has gained notoriety from its height and its sheer cliff like walls. For a good number of years it has been recognised as a reminder of a failed contemporary approach.

Kingsmead House does not have an identifiable relationship with a designed landscape or historic town plan. Neither does it relate in a historically significant way to adjacent listed buildings. The height of the building means it is not in conformity with its wider setting. There are a number of 'left over' spaces which are of only mediocre townscape value. It also fails to demonstrate the qualities or characteristics of the dominant architectural character of the city conservation area.

The opportunity to construct Kingsmead House can be attributed to damage suffered during 1942. The evidence put in with the application tends to confirm the suspicion that potentially repairable or usable three storey houses were cleared during the 1950s and 60s without any great thought. In this sense the current building does mark a brutal phase in British architecture however from the local perspective it is unlikely to be regarded as an important or necessary reminder the development of the city.

Kingsmead House is thus not in its own right a heritage asset that needs to be protected. Indeed it has a negative impact on the designated conservation area and therefore there is no objection in principle to the demolition of the building.

As noted above, concern has been raised regarding the impact of dust, smoke, vibration, electrostatic and electromagnetic interference on sensitive equipment that could result from the proposed demolition. The applicant has confirmed the following:

We can confirm that following discussions between Telereal Trillium and BT, BT will be compensated in respect of their 'rights of light' claim and have agreed to reconfigure the office at first floor level such that their employees enjoy daylight from Charles Street. They acknowledge that the new development will not adversely impact on their operations in the long term, and we understand that BT will be confirming this directly with you shortly and will be formally withdrawing their objection.

The issues raised in relation to environmental controls and access during the construction phase can all be resolved through conditions attached to any permission or consent. It is standard practice for conditions to ensure that appropriate measures are taken during the construction phase, for example through an approved Method Statement and Construction Management Plan.

The objection however remains on record, so advice has been sought from the Environmental Health Officer on how this issue might be handled. Although the suggested controls constitute an unusual approach in relation to an application for conservation area consent, it is supported by the applicant, and as the matter directly relates to a

consequence of demolition raised by an objector, it is recommended that a suitable condition is attached to any consent.

A specialist assessment submitted with the application notes that demolition of the building is unlikely to impact on any bat populations and a licence from Natural England is not required.

**CONSIDERATION OF THE REDEVELOPMENT PROPOSALS:** The wider context of the site requires that a sensitive form of redevelopment is needed. The immediate pattern is varied but essentially characterised by terraced blocks within the overall context of the 18th century street plan and 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 historic environment should be seen as a stimulus to inspire new buildings of imagination and high quality that respect and harmonise with their setting and help and enhance the appearance and character of the area.

There has been a long winded build up to the current position. An urban design review sponsored by the Council excited interest in tall replacement building up to 17.5m on the site. It also seems the applicant may have misunderstood the original scale of Charles Street, believing old plans showed buildings with 5 storeys above ground, whereas simple map regression and historical research shows Charles Street was part of a three storey development with an intimate and domestic character. Drawings tabled at pre-application stage, and to a certain extent within the application, showed options for 6 and 7 storey buildings fronting Charles Street and James Street West. The following comments are based on the package of revised drawings received on the 24th May 2011 which show buildings with a generally reduced massing.

The scheme proposes a sweeping convex corner around the road junction. To some extent this responds to the angled frontage of Green Park station on the diametrically opposite corner. This curved treatment however promoted two rather unremitting, monolithic elevations appearing in the same view. The original plans showed a high building that was unusually dominant because of this curved treatment of the corner. The revised plans still raise some concern that Charles Street will appear as something of a canyon as the proposed hotel would be generally higher than the surviving three storey buildings on the west side. However a four storey building in Charles Street would seem about right having regard to Plymouth House next door, and the position of the site on the city centre side of the road where higher densities might be expected. The revised plans show four main storeys above ground level with a fifth penthouse floor in contrasting materials and set back behind a low parapet.

Considerable encouragement has been offered to the applicant to move away from the very bland corner treatment. Although the corner treatment remains unadorned the giant windows, and higher stone loggia feature gives a greater presence that helps link the two facades. Bringing the main entrance to the corner with a structural glass canopy, and carved name to the stone fascia, should also help give the appearance of the building a lift.

Within James Street West the revised scheme has four main storeys plus a penthouse floor set back from the main façade, and a further, partial, penthouse (6th) floor set back



again. This has produced a slightly layered affect with the two glazed penthouse floors receding behind the main building line. The roof of the top floor is shown at about 20m above the average street level. In terms of massing I think the proposals are on the very limit of acceptability. The applicant has touched upon the need to ensure the project is economically viable but has not sought to justify the proposals in terms of enabling development, preferring to rely upon the merits of removing the application building. The layered appearance of the roofscape is not characteristic of Bath but the effective visual height of the structure from street level will be regulated by the line of the parapet. The proposed ground floor colonnade to this south facing elevation, and concentration of active uses on the ground floor generally should provide a reasonable interface between the public realm and the internal spaces. The external works strategy that has now been provided should also help the integration of the building into its setting, provided exact bonding patterns, etc can be controlled and conditioned.

On the positive side the proposed scheme successfully closes the existing unwieldy gaps in the street frontages, which will help provide a sense of enclosure. In my opinion, the appearance of the originally submitted building design was unacceptable but the revised corner treatment and reduction in the height of the two main elevations has assisted in achieving an improved design.

As regards the treatment of the main facades, the wider context can be characterised by sober, well-regulated buildings built of the local stone. However, the traditional architecture of the city is not featureless. The revised drawings regulate and articulate the architecture by the use of giant and minor 'pilasters' and horizontal stone bands, and some indication of the sense of rhythm and depth to window surrounds is found on the submitted sketch perspective (drawing 14126.TP-418-302). The shift away from international bar code treatment of the fenestration with windows unaligned vertically, is a distinct improvement in achieving a sense of place. The introduction of raised coping stones at roof level also helps terminate the two main elevations.

Also, in its favour the external elevations of the proposed building are formed of the local building material. However, it should not be assumed this suggests traditional construction. The revised drawings show greater detail from which it can be ascertained that the external walls will essentially be constructed of "Bath stone faced, concrete façade panels with traditional thin joints".

## CONCLUSION

In architectural terms the preservation of Kingsmead House need not be regarded as sacrosanct. The proposed redevelopment features an undeniably large and ambitious building. Although the site is slightly less prominent, the proposed new hotel could be said to have some of the monumentality of the former Empire Hotel standing on Grand Parade. The revised design can be regarded as having reasonable affinity with its setting without slavishly imitating traditional construction. The proposed building is lower and more in tune with its context than Kingsmead House it seeks to replace, and for this reason the scheme should be welcomed. The removal of Kingsmead House means that this scheme, of all the schemes currently subject to recent consideration or in the pipeline, has the potential to make the greatest contribution to the enhancement of the character of the conservation area.

On balance, it is recommended that consent for demolition can be granted. If members are in agreement, it is further recommended that a condition should be imposed that requires either a contract for the construction of an agreed new development to be in place before works of demolition commence or an alternative landscaping scheme for the site to be agreed as set out below. The conditions also include provisions to protect archaeological deposits and harm to the adjacent commercial property.

I have considered the need to require recording of the standing building 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 site, in accordance with a valid planning permission, or alternatively a landscaping scheme has been submitted and approved by the Local Planning Authority, and a contract 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 Prior to the commencement of demolition at the site details of a Construction Management Plan for all works of 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 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 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 users of adjacent commercial properties.

5 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 the following documents:

Existing drawings:

14126.TP-202-OB1B, -001B, -002B, -003B, -004B, -005B, -006B, -007B, -008B, -203-001B, -002B, -003B, -204-001B, and -204-002B, all date stamped 24 November 2010, and

14126.TP-201-001C, -002D, -003C, -004C, and -202-000C all date stamped 8 December 2010

Proposed drawings:

14126.TP-411-006, -412-301 B, -414-002B, -003B, -201 B, -202B, -204B, -418-001B, -002B, -003B, -101B, -102B, -201B, and -202B all date stamped 24th November 2010, and

14126.TP-41 -003C, and -004C date stamped 8th December 2010, and

14126.TP-414-203B date stamped 16th December 2010.

Amended proposal drawings:

14126.TP-411-002D, -005D, -412-001C, -002C, -003C, -004C, -005C, -006C, -0B1D, -1B1D, -000E, -100E, -101 E, -102 E, 103E, -104E, -105E, -106D, -201D, -202D, -203C, -413-001D, -002D, -003D, -004D, -005D, -006C, -101C, -102C, -414-001D, -101C, -102C, -103C, and -104C all date stamped 24th May 2011.

Additional proposal drawings:

14126.TP-412-401A, -402A, -418-301 and -302 all date stamped 24th May 2011.

Application Summary, Photograph Statement, Design and Access Statement Part 01, Archaeological Desk Based Assessment, Planning Statement, Bat Survey, Site Waste Management Plan, Noise Impact Statement, Statement of Community Involvement all dated stamped 24th November 2010.

NOTE: Additional papers submitted including King Sturge report, Energy Strategy Assessment, Transport Assessment, Draft Travel Plan, Flood Risk Assessment, Preliminary Operational Management Plan, Ventilation Strategy, PPS2 Sequential Test Report, Utilities Statement, and Preliminary Risk Assessment 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 or landscaping 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:** 02  
**Application No:** 10/04867/FUL  
**Site Location:** Kingsmead House, James Street West, City Centre, Bath



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Douglas Nicol      Councillor A J Furse  
**Application Type:** Full Application

<b>Proposal:</b>	Erection of a 177-bed hotel incorporating conference facilities, restaurant, café/bar and associated facilities, servicing and works following demolition of Kingsmead House.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,
<b>Applicant:</b>	Telereal Trillium
<b>Expiry Date:</b>	8th April 2011
<b>Case Officer:</b>	Mark Reynolds

## REPORT

**REASON FOR REPORTING APPLICATION TO COMMITTEE:** The application has been called to Committee by Cllr Furse he is concerned that 177 bedrooms is too many considering the extant Green Park House Hotel permission.

The development does not provide for parking and there should be a traffic impact study for all 3 hotels and the Gainsborough. Vehicular access to the site must be encouraged to/from Charles Street direction. The area from the Midland Hotel east to beyond the college should be more pedestrian friendly. Demolition of the existing building would need to be undertaken sensitively.

**DESCRIPTION OF SITE AND APPLICATION:** This application forms one of two applications reported to this committee for the redevelopment of the Kingsmead House site. The other corresponding application on the site is for conservation area consent for the demolition of Kingsmead House (reference: 10/04868/CA).

Kingsmead House is located within Bath City Centre at the intersection of James Street West and Charles Street. The existing building has 8 storeys above ground level. It is arranged to cover the majority of the footprint of the site at ground floor level with the above storeys being contained within a rectangular soaring building set within the middle of the plot. The building has been empty for a number of years and was last used as Government offices.

The application site is 0.27 hectares in size. The site is located on the corner of the street and diagonally opposite is Green Park Station which is grade II listed. Opposite the site on James Street West is the Salvation Army hall and the Metropolitan pub. To the west of the site on Charles Street stands a terrace of 5 residential properties which are grade II listed. Directly to the north of the site sits Plymouth House which was contemporary with Kingsmead House and is used as a Council office and as a telephone exchange by BT.

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

This is a full planning application proposing the erection of a building with five full storeys above ground and a partial sixth storey. The building footprint would cover the entirety of the site at ground floor level and the storeys above would be arranged in a u-shape with the building fronting both James Street West and Charles Street. The building would be arranged to have a basement which would include staff changing rooms, toilets, storage areas and plant room. At ground floor a reception area is proposed. Along James Street

West a café is proposed with a colonnade in front. A lounge and bar would front on to Charles Street with a restaurant and kitchen to the rear. Access to a rear parking area comprising 7 spaces and service yard would be gained from an existing access road off James Street West. The proposed first floor would comprise bedroom accommodation arranged in wings and a large area comprising conference facilities. In between the two wings of the building an internal break out space is proposed. The proposed third and fourth floors are proposed as bedrooms accessed from a central corridor. The fifth floor is only a partial floor over the corner of the building and part of the James Street West frontage. The building would have a green roof comprising a sedum blanket.

The building is proposed to be clad with Bath Stone on the publicly visible facades. Dressings on the elevations would likewise be constructed of Bath Stone. The inner walls of the building which face the internal courtyard which would not be publicly visible would be clad in render. The top two storeys would be glazed intended to provide a lightweight appearance.

The application is supported with a design and access statement; transport assessment; draft travel plan; planning statement; daylight/sunlight assessment; Flood Risk Assessment; PPS 25 sequential test; noise impact assessment; operational management statement; contamination desk top study; energy/sustainability strategy; archaeological assessment; bat survey; economic report; site waste management plan; statement of community involvement; utilities statement and a ventilation and extraction statement.

An Environmental Impact Assessment (EIA) Screening Opinion was sought by the applicant at the pre-application stage prior to the last applications being made and it was considered that the development would not represent EIA development. This is still considered to be the case.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

HIGHWAY DEVELOPMENT OFFICER: Advise that there are no highway objections in principle regarding the proposed development. The site is in a highly accessible location and well located with regards to the city centre and public amenities.

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.

Provided that the coach drop off is 2.5m in width and the proposed width of footway is 3m, then these are acceptable dimensions. The use of the layby on the site frontage must be restricted to use by taxis and coaches only. Drop offs by private car are intended to take place within the parking spaces at the rear of the ground floor of the proposed hotel and further details may be secured by condition.

Further information regarding the routing of traffic would also be useful. Whilst coaches will need to access James Street West from the west, so as to be able to access the layby, they will therefore need to leave the site in an easterly direction (in the direction of Southgate), as the opportunity does not exist for them to turn in James Street West. However, service vehicles and visitors/staff servicing/parking at the site will clearly use the

facilities off the access from James Street West and are, therefore, able to turn to as to be able to arrive and depart the site from and to the west, i.e. the direction of Charles Street, Little Stanhope Street and/or Green Park Road (coaches/taxis only), thus avoiding the city centre. Any routing information must make it clear how information will be conveyed to the drivers of all vehicles accessing the site and how the need to arrive at the site by motor vehicle will be minimised.

Regarding coaches/taxis accessing the site from Green Park Road, changes will be required to the existing Traffic Regulation Order (TRO) if this is to be permitted. Any such Order will need to be funded fully by the applicant if coaches and/or taxis are to be routed to the site via Green Park Road. Furthermore, a TRO will be required to restrict the use of the layby on the application site frontage to James Street West to use by coaches and taxis only, with limited waiting sufficient to permit loading and unloading.

A construction management plan will be required and details of how the maximum size of vehicle servicing the site is to be restricted will need to be clarified.

In respect of developer contributions he advises that the change in overall travel demand is likely to be de minimis. Whilst he originally sought a contribution of £19,116 towards public realm improvements and wayfinding however he recognises that the revised drawings include improvements to the public realm at the frontage of the hotel. The building was also previously accessible to the public and given that trip generation will not increase as a result of this proposal he is no longer seeking this contribution. He accepts therefore that the Council cannot justify a strategic contribution, due to the anticipated de minimis impact on trips, and furthermore that the development will result in reduced demand for parking within the city during periods of peak demand.

**HISTORIC ENVIRONMENT TEAM:** Advise that the wider context of the site requires that a sensitive form of redevelopment is needed. The immediate pattern is varied but essentially characterised by terraced blocks within the overall context of the 18th century street plan and 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 revised plans still raise some concern that Charles Street will appear as something of a canyon as the proposed hotel would be generally higher than the surviving three storey buildings on the west side. However a four storey building in Charles Street would seem about right having regard to Plymouth House next door, and position of the site which is on the city centre side of the road where higher densities might be expected. The revised plans show four main storeys above ground level with a fifth penthouse floor in contrasting materials and set back behind a low parapet.

Considerable encouragement has been offered to the applicant to move away from the very bland corner treatment. Although the corner treatment remains unadorned the giant windows, and higher stone loggia feature gives a greater presence that helps link the two facades. Bringing the main entrance to the corner with a structural glass canopy, and carved name to the stone fascia, should also help give the appearance of the building a lift.

Within James Street West the revised scheme has four main storeys plus a penthouse floor set back from the main façade, and a further, partial, penthouse (6th) floor set back again. This produced a slightly layered affect with the two glazed penthouse floors receding behind the main building line. The roof of the top floor is shown at about 20m above the average street level. In terms of massing the proposals are on the very limit of acceptability.

The layered appearance of the roofscape is not characteristic of Bath but the effective visual height of the structure from street level will be regulated by the line of the parapet. The proposed ground floor colonnade to this south facing elevation, and concentration of active uses on the ground floor generally should provide a reasonable interface between the public realm and the internal spaces. The external works strategy that has now been provided should also help the integration of the building into its setting, provided exact bonding patterns, etc can be controlled and conditioned.

On the positive side the proposed scheme successfully closes the existing unwieldy gaps in the street frontages, which will help provide a sense of enclosure. As regards the treatment of the main facades, the wider context can be characterised by sober, well-regulated buildings built of the local stone. However, the traditional architecture of the city is not featureless. The revised drawings regulate and articulate the architecture by the use of giant and minor 'pilasters' and horizontal stone bands, and some indication of the sense of rhythm and depth to window surrounds is found on the submitted sketch perspective (drawing 14126.TP-418-302). The shift away from international bar code treatment of the fenestration with windows unaligned vertically, is a distinct improvement in achieving a sense of place. The introduction of raised coping stones at roof level also helps terminate the two main elevations.

Also, in its favour the external elevations of the proposed building are formed of the local building material. However, it should not be assumed this suggests traditional construction. The revised drawings show greater detail from which it can be ascertained that the external walls will essentially be constructed of "Bath stone faced, concrete façade panels with traditional thin joints".

In architectural terms the preservation of Kingsmead House need not be regarded as sacrosanct. The proposed redevelopment features an undeniably large and ambitious building. However the proposed building is lower and more in tune with its context than Kingsmead House it seeks to replace, and for this reason the scheme should be welcomed. The removal of Kingsmead House means that this scheme, of all the schemes currently subject to recent consideration or in the pipeline, has the potential to make the greatest contribution to the enhancement of the character of the conservation area.

URBAN DESIGNER: Makes detailed comments which are summarised below; that the site is within a mixed use part of the city and a transition point between character areas. Notes that Kingsmead House, together with the telephone exchange and Plymouth House are some of the most inappropriate buildings in the city, destroying the historic street pattern, massing and form of this part of the Georgian city. There is no site specific policy or guidance to require comprehensive development of these buildings. However, this was explored in initial discussions with the applicant, but was dismissed on grounds of viability and the existing ongoing use of the exchange.



A proposed hotel use with associated food, drink and conferencing facilities has the potential to be appropriate within the local and city context. However the proposed amount of this use needs to be considered in the context of the city as a whole to promote a balanced economy and vitality. In principal A3 uses along James Street West are considered to compliment its role in the leisure economy.

The design has been underpinned by an urban design study and competent design and access statement. It has evolved in response to comments received from the South West Design Review Panel, English Heritage and officers. It is considered to have advanced to a point where it is not harmful to and enhances the character of the conservation area and World Heritage Site in the context of the existing building.

Development re-establishes street frontages and is not considered to harm the residential amenity of Rosewell Court. The proposed close proximity of the two five storey flank walls with the telephone exchange is only considered acceptable on the basis that existing south facing office uses are relocated, removing all need for daylight from the south.

Photomontage images of the original scheme indicated that the proposed height is not harmful to the setting of the World Heritage Site. However the penthouse roof has not been modelled on the revised drawing.

The height of the three façade elements is now considered acceptable, responding to the relationship with neighbouring property and immediate context, whilst making a corner statement opposite Green Park Station.

In respect of the roof form the contemporary penthouse accommodation will be slightly more prominent than a traditional sloping mansard, when viewed from the street or above. As a predominantly glazed feature, it will also probably be a more prominent feature at night, increasing the presence of the top floors, particularly from longer elevated views. However, the massing of the roof accommodation is of a similar scale to Georgian terrace mansards and continues the contemporary architecture established on the façade.

The proposed roof form introduces an element of double storey roof accommodation which appears excessive in elevation. However, the step backs and lightweight construction reduce its visual presence from street views. It is therefore considered, on balance not to cause to harm to the conservation area and World Heritage Site, subject to review of revised projections views and approval of glazing and zinc finishes, specified in submission drawings.

The rhythm and order of the façade has been informed by analysis of the city's Georgian terraces and is considered to create a bridge between referencing the historic character of Charles Street and introducing contemporary forms into James Street West. The façade has been given vertical hierarchy increasing the prominence of the first floor and subdividing the height with projecting string courses. Each facade element has been subtly defined with different horizontal window groupings. However, bookend treatment at junctions between the three façade elements is poorly executed. The proposal has responded to the SW Design Review Panel by moving the hotel entrance to the focal corner. This is welcomed however it could be bolder.

Bath stone faced pre-cast panels are proposed for the main façade. This is similar to the technique employed to construct Southgate. The detailed treatment of the stone will be critical to success of the design.

Windows are proposed to single floor to ceiling panels set within metal frames. There is a hierarchy of dimension, projecting stone surrounds, cills and lintels. A contemporary glazing treatment is appropriate in this location. The larger windows will both reduce the mass of the building and reference Bath's Georgian terraces. However, such a minimalist treatment will prevent the windows from adding the finer grain layer of interest and craftsmanship, even if frames and glazing bars were overtly of a modern design.

Shop front and entrance design beneath the colonnade will be the most public view of the development. Detailed design and specification of these elements need to be submitted for consideration.

ENGLISH HERITAGE: Advise that the amendments follow some months of negotiation and that they are pleased at how this has resulted in significant improvements to the proposals since our original formal response.

The height of the main parts of the building addressing both Charles Street and James Street West have now been reduced to an acceptable level, and the design has been finessed to introduce a greater degree of ordering and layering to the elevational treatment. The main entrance has been shifted to the corner "pavilion" and this element of the scheme now has a greater role in hierarchical terms commensurate with its location addressing Green Park Station and the road junction.

Advise that there remain some outstanding issues in need of further attention. The translation of what were previously integrated upper floors of the main block into a set-back glazed "penthouse" level needs further work in terms of achieving a better relationship between it and the structure on which it sits and in its contribution to the streetscene. Consideration should also be given to the nature of the roofscape this creates. There could perhaps be a more distinctive contrast between the treatment of the corner block and its subordinate flanking ranges, to subtly reinforce the townscape role of this central element, but within the regime of the idiom promoted.

Care should be taken to ensure contextual integrity and authority in the elevational handling of the main elevations generally so that ordering and layering can be most effectively realised. This all confirms that while they are now able to regard the scheme as essentially acceptable in terms of its impact on the World Heritage Site, conservation area, and the setting of relevant listed buildings, significant finessing remains necessary to generate a wholly satisfactory scheme which optimises on its potential to enhance the area.

They urge that the above issues be addressed, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

SOUTH WEST DESIGN REVIEW PANEL: Commented on a second iteration of the scheme which the applicant provided but was not formally submitted to the Council.

They advised that they welcome the redevelopment of the site in principle. The removal of Kingsmead House opens a major opportunity to make a positive contribution to the conservation area and the World Heritage Site.

The height and massing are broadly acceptable and the approach to address both James Street West and Charles Street creating street enclosure is welcomed. Support the division of the building into regular bays which helps to strike a balance between the vertical and horizontal emphasis. Support the corner being marked with a curve however this should only be marked if it has a function. They support the relocation of the entrance to the corner of the building.

Comment that the somewhat random nature of the windows does not work. They encouraged a simplified and more ordered appearance. They were concerned with the introduction of a domestic mansard atop a corporate façade.

Support the introduction of a colonnade which can work well visually and functionally. Advise that the scheme should be exemplary in environmental sustainability.

CONTAMINATED LAND OFFICER: Advise that the Structural Soils Preliminary Risk Assessment report no. 725108 (Nov 2010) identifies the site as having generally 'low' risks associated with the potential need for risk reduction/remedial actions, however, it also states that "until a contamination ground investigation is carried out the assumed low risks cannot be confirmed". It is also this consultee's view that if ground gas monitoring is considered necessary that this must be undertaken as part of ground investigation works. In view of this conditions are requested to investigate further any possible ground contamination.

ENVIRONMENTAL HEALTH: Advise that the demolition of the existing building and the construction of the new hotel has the potential for adverse impact on local residents and businesses. This needs to be controlled and the Council has a code of practice in respect of such works. Advise that an application for prior approval under Section 61 of the Control of Pollution Act 1974 should be secured by condition.

Plant and services from the hotel may also cause a nuisance and a noise impact assessment has been submitted. This consultee requests that a comprehensive assessment from a competent person in relation to new plant, equipment in accordance with BS4142:1997 should be submitted.

In respect of services and deliveries time related restrictions will be required to minimise nuisance caused. An hours of delivery and collection condition is suggested

External lighting could cause a nuisance and this would need to be controlled in accordance with guidance published by the Institute of Lighting Engineers.

ENVIRONMENTAL HEALTH (FOOD): Advise that the catering facilities must comply with the relevant legislation.

ENVIRONMENT AGENCY: Advise that they have now received confirmation that the sequential test has been passed from the Council. They advise that additional information



which has been submitted in respect of the flood risk assessment is adequate and that they can withdraw their original objection

**PARKS AND GREEN SPACES:** Having regard to the occupation figures for the former office use, on the basis of this information, it is agreed that the proposed hotel use would not be likely to significantly increase the use of green spaces and a financial contribution will not therefore be required.

**PROPERTY SERVICES:** Advise that the submitted development appraisals may overplay the loss that the refurbishment or redevelopment values may give rise to. However this is not sufficient to actually create any meaningful potential for profit in these scenarios.

**WESSEX WATER:** Request a condition that development shall not be commenced until a foul and surface water drainage strategy is submitted to and approved by the Council.

**NATURAL ENGLAND:** Advise that they have no comment to make in relation to this application. From the information provided with this application they do not feel that the proposals are likely to significantly affect the natural environment.

**ECOLOGY TEAM:** Advises that the submitted bat survey finds no bat issues at the site. Accordingly they have no adverse comments to make.

**LAND DRAINAGE TEAM:** Advise that the submitted surface water drainage scheme would be inadequate. A condition is therefore required to secure acceptable details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

**DEVELOPMENT AND REGENERATION AND PLANNING POLICY:** Advise that the site is located within the Bath city centre core office employment area. As such Policy ET.2 needs to be considered. Advise that the level of increase in office growth is below Local Plan target levels. Advise that in general terms they agree with the economic report which has been submitted with the application subject to a few caveats.

Advise that the premises in their current form are not likely to be demanded by the type of businesses that the Council is seeking to maintain and attract to the city. It is accepted that the applicants have carried out a comprehensive marketing campaign and this has resulted in limited interest being generated. Advise however that development appraisals should be submitted for both the refurbishment and redevelopment options to demonstrate whether either option would be viable.

It is noted that the hotel will generate less employment than an office use however the redevelopment of the site could bring substantial benefits for the Conservation Area and World Heritage Site.

Comment in relation to the VAS that if all of the schemes currently proposed for hotel development came forward that this would exceed the upper forecast of need by 2016 by about 200. However the additional rooms pending consideration still fall within the overall VAS forecast of 444-761. They recognise that the VAS notes that the type of hotel being proposed should be prioritised and should not compete with the guest house sector.

Note that the scheme needs to be considered in conjunction with other proposals in respect of traffic generation and parking.

In conclusion they comment that the Council should prioritise retention and/or re-provision of office accommodation. However if the applicant can through the submission of development appraisals demonstrate that the retention or redevelopment of office space is not viable, in this instance, then it is accepted that the proposed hotel use would ensure the site is brought back into beneficial use which would create local employment.

ARCHAEOLOGIST: Advises that the archaeological desk based assessment was revised on his advice, and in light of which he would now recommend that conditions for a field evaluation of the site, a subsequent programme of archaeological work/mitigation, and publication of results, should be attached to any planning consent.

THE GEORGIAN GROUP: (Commented on the original proposals) that they object to the application and advise that it should be refused consent. They have no objection to the demolition of Kingsmead House however they comment that any new building should seek inspiration from the pre-twentieth century appearance of this part of Bath. The Group strongly advises that the new building should respect the historical opening left between Kingsmead House and the telephone exchange.

#### OTHER REPRESENTATIONS / THIRD PARTIES

##### MEMBERS:

CLLR IAN GILCHRIST: Advises that he is unconvinced that Bath city centre needs this kind of room capacity. He would prefer the site to be used for offices because he feels there is a demonstrable need for more business accommodation for the city to thrive with high paying jobs.

CLLR PAUL CROSSLEY: Advises that the application is in conflict with the Council's accommodation strategy. Too many hotel beds would be provided in a small area of the city with consequent traffic problems for visitors and services alike.

He is concerned that the conference facility looks too small and too easily convertible into extra rooms at a later date. If approved this must be tied in with the whole permission with no chance for change to hotel rooms.

The kitchen facilities look inadequate for this size of operation. The application will cause severe highway problems and the drop off point looks inadequate given the traffic flows here.

CLLR ANDREW FURSE: Comments that 190 bedrooms is too many considering the Green Park Hotel application. The conference facility needs to be tied into the development to ensure it is provided and retained.

The development does not provide for parking and there should be a traffic impact study for all 3 hotels and the Gainsborough. Vehicular access to the site must be encouraged to/from Charles Street direction. The area from the Midland Hotel east to beyond the

college should be more pedestrian friendly. Demolition of the existing building would need to be undertaken sensitively.

URBAN REGENERATION PANEL: (Commented prior to the formal submission of revised plans) The movement of the access to the corner of the site forges a better relationship with this important road junction. It also adds emphasis to the corner of the building. They commented in respect of the original roof design that it lacked the richness of form that is characteristic of the city's roofscape. They suggested that the architect should design something bolder.

The Panel commends the safeguarding of the opportunity to re-establish Kingsmead Street and it should be designed to acknowledge the possibility that it may one day become a street frontage.

BATH PRESERVATION TRUST: (Comment in respect of the original drawings). They advise that they object to the application. The Trust recognises that this building makes a negative contribution to the World Heritage Site and the Conservation Area. Any replacement building must preserve or enhance the conservation area and the setting of listed buildings and protect the outstanding universal value of the World Heritage Site.

The Trust regrets that the Council does not have a redevelopment brief for Kingsmead. Whilst the Trust is supportive in principle of proposals to redevelop the site, the proportions and relationship of storey heights, fenestration and large roof dormers proposed are wrong. The height ought to be reduced by a storey and the elevation to Charles Street needs a more regular rhythm to reduce the monolithic effect produced by the lack of a centrally emphasised entrance.

The form of the box dormer windows would be visually intrusive and incongruous in the immediate and wider context.

The elevation to James Street West is better with its emphasis on the main entrance to the building and the colonnade. The step down in height to the east also reduces the monolithic effect.

Clarification of the method of construction and all materials is vital and natural Bath stone is essential within the conservation area. They are concerned regarding the effectiveness of the use of a cladding system. Details of materials should not be left to conditions.

They comment that proposed development is unacceptable in its current form. The inappropriate design and height would have a detrimental impact on the character, appearance and setting of the conservation area and World Heritage Site.

BATH TOURISM PLUS: Raise concerns regarding the proposals in particular about allowing the development of 579 new rooms in combination with other schemes, and thus increasing availability by over 1,000 bed spaces per night in such a short period of time, could have a significant detrimental impact on the performance of existing accommodation providers.

Comment that whilst the current proposal for a 4 star hotel with conference facilities fits the Accommodation Study recommendations on the type of hotel accommodation that is

required in the city, they are also aware that other schemes that meet these criteria are currently being prepared for planning application, including hotel proposals linked to the casino bid.

The increase in room supply is not supported by the provision of additional car parking spaces, any increase in Park & Ride capacity, coach parking provision nor public transport and highways improvements, putting further strain upon an increasingly congested city.

They recommend that B&NES Council review the application for Kingsmead House within the context of the casino bid proposals and the recommendations on room supply contained within the VAS, to ensure the market does not in the medium term become over-saturated.

Advise that the provision of conference facilities, as detailed in the submitted application for Kingsmead House, becomes a condition of any planning permission being granted, together with a written undertaking that the subsequent hotel operator is of no less than a 4-star standard.

Request that any new hotel development in the city should be required to make provision for parking. Failure to make this a requirement will continue to reduce the quality of the visitor experience and increase the potential for tension between residents and visitors.

**BATH INDEPENDENT GUEST HOUSES ASSOCIATION:** Comment that the new designs do not address the problem that this site should be used for offices. Additional hotel accommodation is not required. They also raise concerns regarding the impact of the development in terms of noise, pollution and congestion which this large building would result in. They do not believe that the conference facilities are adequate and because no parking is to be provided that the development will not be successful at attracting conference operators. Parking should be provided

**BRITISH TELECOM:** Raise no objections to the application. They comment that they are satisfied that the space could be reconfigured following the completion of the proposed hotel development to optimise the amenity of staff based in the office.

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

- 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
- The building is overscaled and unsympathetic
- Overdevelopment of the site
- Inadequate access for servicing
- The site is identified for office provision
- Application should be deferred until the Core Strategy is published
- The building does not comply with the Council's building height strategy
- Limited pre-application consultation on the proposals
- Lack of a masterplan is a weakness

- The design of the building is inappropriate and draws reference from inappropriate modern additions
- Development would be harmful to the conservation area and the World Heritage Site and the setting of listed buildings
- Development will be a budget hotel
- Should be a recreation of buildings which formerly existed at the site
- Type of hotel is not required or appropriate
- Site should be retained as office accommodation
- A strict travel plan is required
- Harmful to neighbouring amenity
- Conference users will want to come by car
- Catering facilities look inadequate as do the conference facilities which are being proposed
- Existing visitor accommodation will be adversely affected
- Plymouth House should also be removed
- Stag and hen nights will destroy Bath's unique offer
- Bath needs affordable housing more than a hotel
- Enough budget accommodation in Bath

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

- Site and wider area needs regenerating which this development will help
- The hotel/restaurant/café/bar will give the area a boost
- Development will attract business and employment
- Will enhance tourism in Bath
- Site is convenient for rail, bus and coach travel
- Conference facilities are required
- Design is welcomed
- Proposals will help regenerate this area of the city
- Competition arguments are not grounds for refusal
- Rear elevation has been improved with a continuation of the architectural treatment from the frontage

## **POLICIES/LEGISLATION**

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.2 - Office development
- 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  
 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

Submission Core Strategy: (This document can only be afforded limited weight at this time)

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 4 - Planning for sustainable economic growth  
 PPS 5 - 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)

Draft National Planning Policy Framework (undergoing a consultation exercise and should only therefore be afforded limited weight)

## **OFFICER ASSESSMENT**

THE PRINCIPLE OF THE LOSS OF OFFICE ACCOMMODATION: Kingsmead House was last in use as office accommodation and the application site falls within a Core Employment Area. Policy ET.2 of the Local Plan seeks to protect established office floorspace and planning permission will not be granted for development involving the loss



of office floorspace unless one of four criteria can be met. These criteria include that it can be demonstrated that the aims of Policy ET.1 for an increase in office floorspace in Bath can be met without the retention of the premises; that the site is no longer capable of offering office accommodation of an adequate standard; or that the proposal will secure alternative employment opportunities of at least equivalent economic benefit to the city; or the proposal brings benefits to the city centre which outweigh the loss of floorspace.

Only one of these criteria needs to be met to justify the loss of office floorspace. In this case the applicants advise that the building is no longer capable of offering office accommodation of an adequate standard. The applicants have submitted an economic statement in respect of this issue and have submitted financial appraisals to justify that the existing building cannot be economically refurbished and that the redevelopment of the site for office accommodation would be unviable.

Marketing of the building started in 2005 when floors began to become available. Since October 2008 the whole building was empty and has been marketed to let in the open market as office accommodation either as a whole or on a floor by floor basis. Various marketing strategies were put in place to include the production of brochures, advertising, web-site entries and boards situated on the property promoting the availability of the building.

Despite a prolonged period of marketing this has failed to generate significant interest in the building. Tentative enquiries were received for only part of the building and none of these enquiries progressed beyond initial inspection. No offers were received for any part of the building. Negative feedback has been received in respect of the inferior specification of the building, limited floor to ceiling heights, relatively small floorplates and low grade common areas. For example there is only a male and female toilet on alternate floors of the buildings. There are also much improved offices on the market which is likely to have been a significant factor in suppressing demand.

The Economic Report notes that the office market in Bath is relatively weak and driven almost entirely by indigenous companies. Bristol and Swindon overshadow Bath in this respect. It should also be recognised that there are a number of sites within Bath benefiting from extant planning permissions for new offices which have not been implemented. This is indicative of the difficulties gaining finance and making new office developments financially viable in Bath.

The Economic Report investigates the possibility of refurbishing the building but there are significant barriers to this. In particular any refurbishment would require replacement/upgrading of the building's infrastructure, reprovision of air conditioning, upgrading of common areas and provision of improved WC accommodation, rationalisation of the ground floor space. The floor to ceiling heights are limited at 2.4m and below standards and cannot be improved. Other problems with the existing building include that the floor plates are small and include lots of columns which prohibit open plan working, the orientation of the building (north-south) leads to significant solar gain. The building also has redundant power and IT infrastructure.

Notwithstanding the above the applicants were requested to produce development appraisals so that the viability of refurbishing the building or replacing the existing building could be fully examined. These appraisals were produced and have been considered by

the Council's Property Services Team. The appraisals conclude that it would be unviable to refurbish or replace the building with a new office. The Council's property team advise that they would differ slightly in their assessment of the figures and that the submitted figures might overplay the loss which the two scenarios would give rise to, but not sufficiently to actually create any meaningful potential for profit.

The refurbishment or redevelopment of the site have been demonstrated to be unviable. The building in its current form has been marketed to let for a prolonged period without any serious interest being shown. In this instance it is accepted that the applicant has demonstrated that the site is no longer capable of offering office accommodation of adequate standard and the proposal is considered to accord with Policy ET.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007. The Planning Policy and Development and Regeneration teams had previously advised that they could support the application in the event that development appraisals were to be submitted which demonstrated that refurbishment or redevelopment was unviable.

**PRINCIPLE OF DEVELOPING A HOTEL IN THIS LOCATION:** The key national planning document in respect of considering whether a hotel use is appropriate 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 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. It is located in 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 document 'Visitor Accommodation Study Final Report December 2009' (VAS) 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 whilst it is a material consideration in the determination of this application, only limited weight can be attached to it. 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 which is not known in this case, 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 177 rooms proposed under this application an additional 108 hotel rooms are proposed at James Street West albeit this application has been refused. 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 177 bed hotel is an appropriate use of the site.

As part of the proposals a bar, lounge, restaurant and café 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: This is a very significant proposal for a key city centre regeneration site at the 'gateway' to Bath Western Riverside and the city centre. The development site has lost its historic form and is at a transition point of character areas in the city. It must re-weave the urban grain and respond to the surrounding contexts both in terms of form and use. The site creates the opportunity for a contemporary building with the quality to become a positive gateway statement and the first element of the conservation of this quarter of the Georgian city.

Kingsmead House is identified as a negative element in the conservation area. Indeed, Kingsmead House, together with the telephone exchange and Plymouth House are some of the most inappropriate buildings in the city, destroying the historic street pattern, massing and form of this part of the Georgian city. The removal of the existing building is therefore welcomed and the redevelopment of the site offers the opportunity for a building to significantly enhance the character and appearance of the conservation area.

The site is within a mixed use part of the city and a transition point between character areas. It neighbours flats to its east, the commercial and leisure corridor of James Street West to its south and the intrusive telephone exchange building and office (Plymouth House) to its north. In addition, the development needs to respond to the historic character of the city, both in its relationships with listed property in Charles Street and from strategic elevated viewpoints from the city's hillside setting.

Comprehensive redevelopment of the application site and the adjacent Plymouth House was investigated initially, however the telephone exchange is leased to BT and the

exchange acts as the hub of the city's telephone network. As such it would prove financially prohibitive to move.

The design of the replacement building has been underpinned by an urban design study and competent design and access statement. It has evolved in response to comments received from the South West Design Review Panel, English Heritage and Officers. The scale and massing of the hotel has been reduced during the processing of the application with the removal of the sixth storey from the Charles Street elevation. The upper storeys have also been redesigned to be comprised of glazing. These changes allow the building to relate more comfortably to the neighbouring four storey listed buildings on the opposite side of the road.

The proposed building would include a sweeping convex corner around the road junction which responds to the angled frontage of Green Park station on the diametrically opposite corner. This curved treatment originally promoted two rather unremitting, monolithic elevations appearing in the same view. The original plans showed a high building that was unusually dominant because of this curved treatment of the corner. The revised plans show five main storeys above ground level with a sixth penthouse floor in contrasting materials and set back behind a low parapet.

The additional height at the corner serves to emphasise this important corner location. The applicant was encouraged to relocate the access point into the building to the corner of the building and to move away from the previously proposed unadorned corner treatment. The revised plans have addressed this issue and although the corner treatment remains unadorned the giant windows and higher stone loggia feature gives a greater presence that helps link the two facades. Bringing the main entrance to the corner with a structural glass canopy, and carved name to the stone fascia, should also help give the appearance of the building a lift. Making the corner a feature of the building has also helped to compartmentalise the structure of the building.

As the building returns down James Street West the building has a partial 6th floor which terminates 7.5m from the end of the elevation. The building at this point would be slightly higher than the neighbouring flats to the east. The ambient building height along James Street West is also higher than that along Charles Street. The sixth storey on this return elevation is in terms of massing considered to be on the limit of acceptability. The layered effect of the top two glazed storeys along James Street West is not characteristic of Bath however the effective visual height of the structure from street level will be regulated by the line of the parapet. The use of glazing on the upper two storeys and the setback between these storeys will also reduce the overall bulk of these elements. It is therefore considered, on balance not to cause harm to the conservation area and World Heritage Site.

The rear wing of the building returning from James Street West is five storeys in height comparable with the Charles Street frontage. The overall scale of the building has been tested from longer range viewpoints in particular from Bathwick Hill, Beechen Cliff, Sham Castle, Bloomfield Road and from High Common golf course. This study demonstrates that the replacement building will have a reduced impact on the cityscape of Bath than the existing building. The existing building being the tallest building in the immediate surroundings is prominent in longer range views from elevated positions.

The proposed building addresses both the street frontages of Charles Street and James Street West being positioned fronting onto the pavement. The building will be a large addition in the street scene but this is an important corner site which is considered capable of accepting development on this scale. The existing building of Kingsmead House is marooned in the centre of the site and has a poor relationship with the street. The proposed building would address this current weakness by virtue of its increased footprint which borders the pavement on both streets. The ground floor of the hotel would also accommodate active uses adjacent to the street including a bar, lounge, café as well as the entrance to the building. The introduction of a colonnade to the south facing elevation should also provide a reasonable interface between the public realm and the internal spaces. The external works strategy that has now been provided should also help the integration of the building into its setting with pennant paving proposed on the pavement.

As regards the treatment of the main facades, the rhythm and order has been informed by analysis of the city's Georgian terraces and is considered to create a bridge between referencing the historic character of Charles Street and introducing contemporary forms into James Street West. The entire frontage has been subdivided into three elements addressing James Street, Charles Street and a focal central corner element. The façade has been given vertical hierarchy increasing the prominence of the first floor and subdividing the height with projecting string courses. Each facade element has been subtly defined with different horizontal window groupings.

The revised drawings regulate and articulate the architecture by the use of giant and minor 'pilasters' and horizontal stone bands, and some indication of the sense of rhythm and depth to window surrounds is found on the submitted sketch perspective (drawing 14126.TP-418-302). The shift away from international bar code treatment of the fenestration with windows unaligned vertically, is a distinct improvement in achieving a sense of place. The introduction of raised coping stones at roof level also helps terminate the two main elevations.

Cross sections of the proposed facades demonstrate windows recessed c300mm from the main façade and c500mm from the most prominent string course elements. The colonnade to James Street West establishes an additional 3 m wide covered pavement. This degree of articulation in the façade is similar to that found on historic terraces within the city, creating the confidence that the proposal will coordinate with the composition of Bath's city form. It is considered that the frontage will have significant three dimensional qualities and depth.

In terms of building materials Bath stone faced pre-cast panels with traditional thin joints are proposed for the main façade. This is similar to the technique employed to construct Southgate. The detailed treatment of the stone will be critical to success of the design. The use of natural bath stone is recognised as a considerable strength of the development as proposed which will help to reinforce local distinctiveness and embed the building within its context.

Windows are proposed as single floor to ceiling panels set within metal frames. There is a hierarchy of dimension, projecting stone surrounds, cills and lintels. A contemporary glazing treatment is appropriate in this location. The larger windows will both reduce the mass of the building and reference Bath's Georgian terraces. However, such a minimalist

treatment will prevent the windows from adding the finer grain layer of interest and craftsmanship, even if frames and glazing bars were overtly of a modern design.

Shop front and entrance design beneath the colonnade will be the most public view of the development. Detailed design and specification of these elements need to be submitted for consideration. The projecting entrance canopy presents a further opportunity for art and exuberant design. However, at present it is not harmful, but fails to amplify the importance and presence of the entrance.

The revised design can be regarded as having reasonable affinity with its setting without slavishly imitating traditional construction. The proposed building is lower and more in tune with its context than Kingsmead House which it seeks to replace, and for this reason the scheme should be welcomed. Whilst the height of the James Street West frontage is at the limits of acceptability and the combination of two glazed upper storeys on the James Street West frontage is not ideal this will not be clearly perceptible from street level.

The removal of Kingsmead House means that this scheme, of all the schemes currently subject to recent consideration or in the pipeline, has the potential to make the greatest contribution to the enhancement of the character of the conservation area. It is considered to have advanced to a point where it is not harmful to and enhances the character of the conservation area and World Heritage Site in the context of the existing building. The reduced scale of the development along Charles Street is also now considered to enhance the setting of the listed buildings which are directly opposite and Green Park Station. Subject to matters of detailing the application now has broad support from the Council's Senior Urban Designer, Historic Environment Team and English Heritage.

**THE TRAFFIC IMPLICATIONS OF THE DEVELOPMENT:** The proposed hotel does not make provision for parking except for 7 spaces of which 3 would be disabled parking spaces at ground floor level of the rear of the building. A coach and taxi drop-off bay is also proposed at the James Street West frontage of the site which would measure 28m in length by 2.5m in depth. Cycle parking is also to be provided for 40 bicycles. The proposed hotel has a separate service bay to the car parking bay. Both these elements are accessed off the existing access road from James Street West.

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). Given that 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 860 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. An amendment to the resident parking permit hours of operation in the central area has however already been undertaken to extend resident parking hours up until 7pm which should allow residents who are working to return home and occupy such spaces.

The facility to allow drop-off/pick-ups of passengers and luggage within the service area will also help to reduce 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.

It is noted that considerable concern has arisen regarding the lack of car parking for the proposed development. The overall level of traffic generation has been considered by the

applicants and the Transport Assessment advises that overall levels of traffic would be reduced below that which might be expected based upon the lawful use of Kingsmead House being recommenced as an office. The Highway Development Officer advises that in his view if any increase in trips were to occur that this would be de minimis. Whilst objections have been raised on parking and congestion grounds it must be understood that this is unlikely to be any more significant than would previously have been the case when Kingsmead House was operational. The Council's Planning Obligations SPD advises that a strategic highways contribution will only be sought in cases where there is likely to be an increase of 20 or more trips per day (compared to the existing use) to the highways and transport network. Given that no increase in trips is expected seeking a strategic highways contribution would not be justified in this case.

Deliveries to the hotel are estimated at 6 delivery/service vehicles per day (3 in and 3 out). This level of activity is considered to be acceptable. It must also be recognised that when operational the office use would have generated deliveries to and from the site. The timing of deliveries is suggested to be controlled by condition and an operational statement will be required to secure further details regarding these operations.

The development will however have local impacts and in particular a financial contribution is to be sought towards Traffic Regulation Orders (TROs). Changes will need to be made to the existing TRO in respect of the layby at the front of the site onto James Street West which is to be altered. The layby needs to be controlled to be for the use of taxis and coaches only to ensure that it is available when coaches arrive. This may be secured by amending the TRO.

In respect of coaches accessing the site from Green Park Road, changes will be required to the existing TRO to allow for these vehicles to turn right into the western end of James Street West. Coaches will need to leave to the east because they will be unable to turn in James Street West. Other vehicles including service vehicles and visitor drop offs will use the facilities to the rear of the site and these can be advised to leave to the west i.e. by turning right out of the site to avoid the city centre. Such details could be secured by including a vehicle routing condition to ascertain details of how visitors to the site may be advised to do this.

In conclusion 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. The level of traffic generation will also not be higher than the existing lawful use of the building. 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. Policy D.2 of the Local Plan advises 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.

The existing Kingsmead House has 8 full storeys above ground and the applicants have produced a daylight and sunlight assessment which was based upon the drawings as originally submitted. This indicated that the main neighbouring properties that might be affected by the development are the flats of Rosewell Court, 22 Charles Street and The Metropolitan Pub. The Building Research Establishment (BRE) in its 'BRE Report 1991 Criteria for Existing Building' provides recommendations for minimum levels of sunlight and daylight buildings should receive throughout the year. The impact of the proposed new development on these neighbours has been modelled by the applicants. The majority of windows in Rosewell Court facing the proposed development are kitchens and bedrooms with lounge windows on the opposite side of the building. It is concluded that the majority of these windows will see an increase in available light due to the reduction in the height of the building on site. The proposed building will however adopt a larger footprint and at the lower levels of Rosewell Court there might be a slight reduction in daylight levels this would however be limited and would not justify refusal of the application. The flats of Rosewell Court are also located a distance of 28m from the proposed development and this level of separation is sufficient to indicate that the replacement building will not have an overbearing impact or result in mutual overlooking.

In respect of 22 Charles Street this building is a three storey house that is located opposite the rear car park of the existing site. The ground floor windows on this property at the front would see a noticeable reduction in light however there are windows on the south elevation which would be unaffected which also provide light into these rooms.

The Metropolitan Pub in James Street West has residential windows within its upper floors which face the application site. Losses of daylight into these windows would however be very limited and well within BRE guidance levels.

The proposed building would extend further to the north of the site than the existing building and would be located in close proximity to the neighbouring Plymouth House to the north. This side of Plymouth House is occupied by BT as a telephone exchange. Your Officers have been into the building and can advise that each floor is occupied by large amounts of telephone exchange equipment. Therefore whilst there are windows in the south elevation of this neighbouring building these windows are not reliant on large levels of natural light. The proposed building will significantly reduce the level of daylight and sunlight which will be received into the windows on this southern aspect however given the use of the building as a telephone exchange this is not generally problematical.

There is however an office on the first floor which is used by BT staff which is located on the corner of the building with an aspect both onto the application site and Charles Street. The office accommodates 26 desks and at present some of these desks are reliant upon the southern aspect for lighting. Clearly if the development proceeds then there will be a reduction in light received into the office. BT have written in to confirm that they take the issue of a satisfactory working environment for their staff very seriously.

They advise that in the event that planning permission is granted and the development goes ahead that they will make appropriate changes to the office configuration to minimise reliance on light from the windows on the south elevation and to therefore maximise the use of natural light from the windows in the west elevation facing Charles Street. Moreover BT have provided a plan showing a notional re-configuration of the office space to



demonstrate that the number of affected workers could be significantly reduced. Whilst BT would not be bound to reconfigure the office, under the terms of this planning recommendation, they have demonstrated that they take this issue seriously and given that it is in their own interests to ensure that working conditions are as favourable as possible it is reasonable to expect that they would make changes to the office configuration in due course.

The relationship between the office and the proposed building is not ideal. Notwithstanding this the office is only occupied during the day and it is understood that workers are not stationed at their desks at all times. Given also that the office could be reconfigured to reduce the impact of the new development and there are a number of windows facing Charles Street giving the office a dual aspect it is not considered that a planning refusal could be substantiated on these grounds.

The development would introduce significant numbers of bedroom windows onto Charles Street however a separation distance of 22m would be achieved to the terrace of No.17-21 on the opposite side of the street. No.22 Charles Street would be slightly closer at 18m however this is considered to be adequate particularly given that the hotel bedrooms will not be occupied for large periods of time. Separation distances to the Metropolitan Pub on James Street West would be 22m which will likewise avoid overlooking occurring.

The hotel has been designed in the form of a horseshoe which does mean that inner bedrooms on both of the wings which return into the site do face each other with a separation distance of approximately 9m. This relationship is not ideal however given that the proposed building is a hotel the rooms will not be occupied at all times and visitors will only stay in the hotel for limited periods. The hotel operator would also be able to employ screening measures such as curtains or blinds in the rooms so that visitors can retain adequate levels of privacy. Therefore whilst it is acknowledged that the inner bedrooms would have limited privacy this is not considered to amount to significant harm to the amenities of visitors. This type of relationship is also not uncommonly experienced within other hotel developments.

The servicing of the proposed hotel and car borne drop-offs will access the building along the existing access way to the east of the hotel. The access way is well established and it is located a sufficient distance from residential neighbours to indicate that subject to controls over timing of deliveries that residential amenity can be safeguarded. An operational statement will be required in this respect to manage this effectively. The Environmental Health Officer has suggested 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 which is considered reasonable.

In relation to noise from the operation of the hotel, details of plant equipment and noise and fumes from the kitchen extraction system will need to be taken into account. A noise impact assessment has been submitted with the application which advises that ventilation and extraction plant can be positioned and fitted with suitable acoustic attenuation to control noise levels at adjacent residential properties to suitable levels. It is difficult to confirm at this stage the exact nature of the plant and ventilation systems because no end user is in place. These details can however be controlled by condition. The submitted noise survey advises that a number of factors will be considered to reduce noise levels. These include for example low noise plant being selected, plant sited to maximise

distance from noise sensitive premises, use of screens and enclosures around plant equipment and the use of atmospheric duct-mounted attenuators on air moving plant.

Concerns have been raised regarding the disruption that would be caused during the demolition of the existing building and the construction of the hotel. It should be acknowledged that there will inevitably be an element of disruption and nuisance in this respect. It would be 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.

**FLOODING:** The application site is located partially within Flood Zone 1 but also partially within Flood Zone 2 which the Environment Agency classifies as a medium flood risk area. Accordingly the applicants have submitted a sequential test appraisal. This is required to demonstrate that the development could not be located at a site within Flood Zone 1 (low risk area). 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 available for the development. Your 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.

**SUSTAINABILITY AND RENEWABLE ENERGY MEASURES:** The building is intended to minimise its carbon footprint in a variety of ways. The building would be designed with the intention of minimising energy demand through energy efficient lighting, maximisation of solar gain and highly efficient plant. A combined heat and power plant (CHP) is proposed to be developed on site which represents a more efficient form of energy generation than by traditional a coal fired power station. The development, it is understood, has been designed to comply with current Building Regulation requirements.

**OTHER PLANNING POLICY CONSIDERATIONS:** The application has been supported by a desk top land contamination assessment. This document identifies that the site is likely to have a generally 'low' risk associated with the potential need for risk reduction/remedial action, however, it also states that until a contamination ground investigation is carried out the assumed low risks cannot be confirmed. The Land Contamination team advises that ground investigation works should take place. In view of this conditions are requested to investigate further any possible ground contamination.

The application has been supported by a bat survey. The survey work indicates that no bats were observed or recorded flying around the building or in the vicinity during dusk and dawn surveys. The survey advises that this reflects the built up nature of this part of the city. In respect of the existing building the surveys concluded that it is highly unlikely that bats use the roof voids or other parts of the building as a roost site. The majority of

the roof area is unsuitable for bats because it comprises a flat roof. There are very few potential access points which bats could use to enter any voids within the roof space or the built structure generally. The survey therefore concludes that the demolition of the building is unlikely to impact on any bat populations and accordingly a license from Natural England would not be required. Natural England have commented on the application advising that they have no comments to make. They advise that from the information provided that they do not feel that the development will be likely to significantly affect the natural environment. The Council's Ecologist has also considered the submission and advises that she has no adverse comments to make.

The Council's Land Drainage team have been consulted on the application and they have raised concerns regarding the submitted surface water drainage scheme particularly in respect of how off-site surface water drainage will be accommodated. A condition is therefore requested to ensure that details of surface water drainage are to be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

Objection has been received based upon the potential cumulative impact of hotel proposals within the area. It should however be recognised that in planning terms a hotel represents an appropriate city centre use. The proposed hotels are not located directly adjacent to one another and there can be no certainty that all of the proposed hotels would be developed, should they all gain planning permission. The impact on neighbouring amenity has been carefully considered in respect of each planning application which has been lodged and no significant harm in this regard has been identified. There is no reason to anticipate that unacceptable environmental impacts would result were all of the proposals to come to fruition. The proposed hotels within the area are on underused sites which contribute little to the vitality and vibrancy of the city centre and the proposed hotels provide the opportunity for this quarter of the city to be reinvigorated particularly with the introduction of active uses into the area.

It has been suggested in representations that the application should not be determined in advance of the emerging Core Strategy being adopted. The proposed development would however accord with existing national and local planning policies and would also accord with the emerging Core Strategy policies. There is no reason therefore to reach the judgement that this proposal would be premature.

The lack of a masterplan for this quarter of the city has been raised as a weakness. Whilst a masterplan would be beneficial in guiding development within the area the development must be considered in the context of existing planning policies.

Criticism has been received that the conference facilities which are proposed may not be adequate to attract conferences into the city. The proposed development however demonstrates that a large proportion of the first floor of the building would be dedicated to conference facilities which represents a significantly sized space capable of accommodating up to 200 delegates. Ultimately whether the conference facilities will work adequately is a commercial question for the developer. The applicants obviously feel that based upon their experience this level of facilities will be adequate to attract conference business. The VAS identifies the lack of conference facilities within central Bath as a weakness in the city's tourism offer. This development will go some way towards addressing this weakness.

CONCLUSION: Local Plan Policy ET.1 seeks to protect office accommodation within the central area of Bath. Policy ET.2 does however allow for the loss of office space subject to criteria. The applicants have demonstrated as part of this submission that the existing building is no longer capable of offering office accommodation of an adequate standard. The building has been marketed for office space since 2008 but has failed to generate serious interest. Kingsmead House itself suffers from limited floor to ceiling heights, relatively small floor plates and low grade common areas. The applicant has also undertaken development appraisals which demonstrate that refurbishment or redevelopment of the site for offices would be unviable. The development therefore accords with the local plan policies on employment.

The application site is located within the city centre. 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 the site. The existing building has been identified as an overly scaled and negative element in the conservation area. The removal of Kingsmead House is therefore welcomed. The amended design has been underpinned by an urban design study and a competent design and access statement. The scale and massing of the building has been reduced during the processing of the application and the entrance has been successfully relocated to the corner of the building. The scale and massing of the proposed replacement building are now considered to be acceptable. The building would more capably address both James Street West and Charles Street introducing active uses at ground floor level.

The architectural treatment of the main facades, the rhythm and order has drawn reference from the Georgian city and creates a bridge between referencing the historic character of Charles Street and introducing contemporary forms into James Street West. The building would be clad in natural Bath stone which helps to reinforce local distinctiveness. The amended design is 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 Government advice to reduce the use of the private car and to promote public transport usage. The site is well served by public transport and the application is supported by a travel plan which will help to promote sustainability.

The proposed building will have a limited impact on the sunlight and daylight received into several neighbouring properties but this would not be significant. An adjacent office building in Plymouth House would suffer a reduction in light levels however this office also

has an aspect onto Charles Street. The neighbouring occupier BT has also provided indicative plans of how the office could be reconfigured to minimise any impact. On balance the development is considered to be acceptable in this regard. Servicing and car borne drop offs can be accommodated using the existing access road to the east of the building without significantly harming neighbouring amenity.

The development is considered to have passed the sequential test in respect of flood risk and an FRA has been submitted which has gained approval from the Environment Agency. A bat survey has been undertaken of the building and its immediate surroundings which concludes that bats are not present and are therefore highly unlikely to be affected by the demolition of Kingsmead House.

In light of the above Officer assessment the application can be supported for a recommendation of permission subject to a legal agreement.

## **RECOMMENDATION**

(A) Authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure:-

(a) A financial contribution to fund the following; An amended traffic Regulation Order in respect of the layby at the front of the site onto James Street West to restrict parking for the use of taxis and coaches only for limited time periods; An amended traffic Regulation Order to allow coaches and taxis accessing the site from Green Park Road to turn right into the western end of James Street West.

(b) The resurfacing of footways along site frontages to include widened James Street West frontage and dedication as public highway.

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

## **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 the interests of the appearance of the development and the character and appearance of this part of the Conservation Area.



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

Reason: In the interests of the appearance of the development and the character and appearance of this part of the Conservation Area.

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; and full details of the form, design and appearance of the ground floor openings

Reason: In order to allow proper consideration of this element of the scheme in the interests of the appearance of the development and the character and appearance of the Conservation Area and setting of neighbouring listed buildings.

5 The development hereby permitted shall not be occupied until the hard landscaping works as detailed on plan ref: 14126 TP-411-005 D have been undertaken in accordance with the approved details unless otherwise 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 and in the interests of highway safety.

6 The development hereby permitted shall not be commenced until such time that a Construction Management Plan, including details of the management of the site, together with the routing and parking of vehicles, has been submitted to and approved in writing by the Local Planning Authority. The said plan shall 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: In the interests of highway operation, amenity and safety.

7 The proposed development hereby permitted shall not be occupied until the existing layby fronting the site has been increased to a minimum width of 2.5 metres and the footway fronting the site and James Street West has been increased in width to a minimum of 3.0 metres in width between the front face of the proposed building/covered walkway and the near edge of the proposed layby.

Reason: In the interests of highway operation, amenity and safety.

8 The development hereby permitted shall not be occupied until a Travel Plan, including but not exclusively, detailed measures to minimise arrival by guests in private cars, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be occupied only in accordance with the provisions of the approved travel plan.

Reason: In the interests of highway operation, amenity, sustainability and safety.

9 The development hereby permitted shall not be occupied until an Operational Management Statement for the hotel to include, but not exclusively; details of the methods, frequencies and times of delivering and despatching to and from the hotel and ancillary uses; and details of the management arrangements of the proposed lay-by at the frontage have been submitted to and approved in writing by the Local Planning Authority. Development shall then take place strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupants of adjacent residential properties and in the interests of highway safety.

10 No vehicular deliveries shall arrive, be received or despatched from the rear of the site 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.

11 The development hereby permitted shall not be occupied until the on-site car parking and servicing facilities have been provided and are available for use. Thereafter they shall be maintained free from obstruction and available for use solely by authorised/permitted vehicles at all times.

Reason: In the interests of highway operation, amenity and safety.

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 No development shall commence until a noise assessment of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The assessment shall inter alia determine the rating levels of noise arising from plant and equipment to be mounted on the buildings and background noise levels at the boundaries with the nearest noise sensitive properties, and include details of noise mitigation measures for the development taking into account the proposed uses of the building and hours of use. The development shall be carried out in accordance with the approved details and the building shall not be occupied until the noise mitigation measures have been implemented. The said noise mitigation measures shall be retained in perpetuity.

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

14 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.

15 No materials arising from the demolition of any existing structure(s), the construction of the new development nor any material from incidental works shall be burnt on the site.

Reason: In order to protect residential amenity.

16 The finished floors levels of the proposed development shall be set as shown on plan TP-412-000 D, unless otherwise agreed in writing with the Local Planning Authority.

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

17 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 the increased risk of flooding and ensure future maintenance of the surface water drainage system.

18 No development shall commence until a scheme for flood resilient/resistant construction has been submitted to and approved in writing with the Local Planning Authority. Development shall then take place in accordance with the approved details.

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

19 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.

20 Pursuant to condition 19 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.

21 Pursuant to condition 20 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.

22 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 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition

20, 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 21.

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.

23 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.

24 Notwithstanding the submitted drawings details of the final proposed conference facilities shall be submitted to and approved in writing by the Local Planning Authority. The said conference facilities shall thereafter be provided in accordance with the approved details prior to the first occupation of the development and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that conference facilities are provided to help to meet the identified lack of such facilities within Bath as outlined in the Visitor Accommodation Study.

25 No development shall commence 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 first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

26 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of

archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains.

27 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

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 drawing numbers; 14126 - TP-112-205 A, TP-112-301 B, TP-202-000 C, TP-202-0B1 B, TP-201-001 B, TP-201-001 C, TP-201-003 C, TP-201-004 C, TP-202-000 C, TP-202-001 B, TP-202-001 B, TP-202-002 B, TP-202-003 C, TP-202-004 B, TP-202-005 B, TP-202-007 B, TP-202-008 B, TP-201-002 D, TP-202-006 B, TP-202-003 B, TP-203-001 B, TP-203-002 B, TP-203-003 B, TP-204-001 B, TP-204-002 B, TP-411-002 D, TP-411-002 D, TP-411-003 D, TP-411-005 D, TP-412-OB1 D, TP-412-1B1 D, TP-412-000 D, TP-412-000 F, TP-412-001 C, TP-412-002 C, TP-412-003 C, TP-412-004 C, TP-412-005 C, TP-412-006 C, TP-412-100 E, TP-411-101 E, TP-412-102 E, TP-412-103 E, TP-412-104 E, TP-412-105 E, TP-412-106 D, TP-412-201 D, TP-412-202 D, TP-412-203 C, TP-412-401 A, TP-412-402 A, TP-413-001 D, TP-413-002 D, TP-413-003 D, TP-413-004 D, TP-413-005 D, TP-413-006 C, TP-413-101 C, TP-413-102 C, TP-414-001 D, TP-414-101 D, TP-414-102 C, TP-414-103 C, TP-414-104 C, TP-418-002 B, TP-418-301, TP-418-302, SK 314

#### REASONS FOR GRANTING PERMISSION:

The decision to recommend 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 loss of the existing office accommodation has been justified in the context of Local plan employment policies. The use of this city centre site as a hotel is an appropriate use which accords with policy guidance. The removal of the existing building and the erection of this replacement building 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 building has been designed to minimise any impact in terms of overshadowing or overlooking of neighbouring properties. 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 no evidence of bats within or surrounding the buildings was discovered. The development would not therefore require a license from Natural England. 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.2, 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.

The applicant is requested to comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

The applicant should strongly consider putting in place a flood evacuation plan. Particular attention should be given to evacuation from the basement levels if a flood event were to occur in this area.

The applicant is advised to put in place safeguards 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.

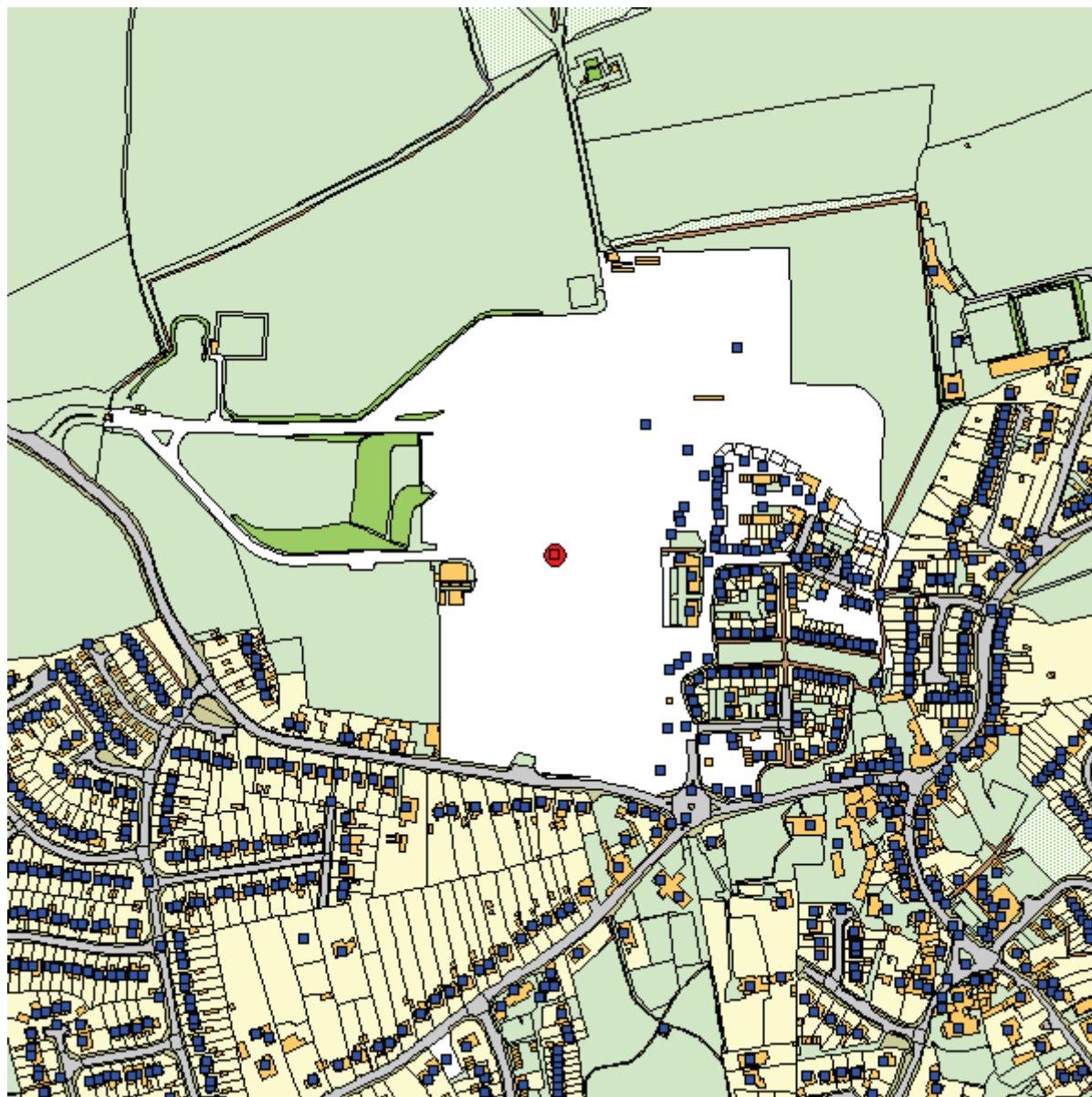
The applicant is referred to the Environment Agency's Pollution Prevention Guidelines, which can be found at:  
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

The applicant is advised to supply flow rates for foul and surface water discharge for further appraisal to Wessex Water. The FRA accompanying the application states a surface water discharge rate of 5l/s will be passed to the foul sewer if previous connection proved. Wessex Water advise that the discharge rate should be limited to 5 l/s per hectare.

The applicant is advised to provide Wessex Water with details of water supply demand figures for further appraisal. There should be no gravity connections from basement areas to the public sewers.

The applicant is advised to submit a prior approval application under Section 61 of the Control of Pollution Act 1974. This application should contain the detailed reasonably practicable measures which the applicant/developer will take to control and minimise construction site noise.

**Item No:** 03  
**Application No:** 07/02424/EOUT  
**Site Location:** Closed Polestar Purnell Factory Site, Access Road To Works, Paulton, Bath And North East Somerset



**Ward:** Paulton      **Parish:** Paulton      **LB Grade:** N/A  
**Ward Members:** Councillor J A Bull   Councillor Liz Hardman  
**Application Type:** Outline Application with an EIA attached  
**Proposal:** Mixed use redevelopment of former printworks comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads  
**Constraints:** Forest of Avon, General Development Site,  
**Applicant:** Purnell Property Partnership  
**Expiry Date:** 2nd November 2007  
**Case Officer:** Mike Muston



## REPORT

**Details of proposal:** This application relates to a variation to the Section 106 agreement entered into prior to the granting of permission 07/02424/OUT. The application relates to a request to vary the agreement because the delivery of the permission, with the existing Section 106 agreement in place, is argued by the applicants not to be viable in the current economic climate. Full details setting out the case for the variation have been submitted.

This proposed variation was on the Committee agenda for 28 September 2011. However, since then, further discussions have taken place with the applicants and the Council's Early Years and Extended Services. This has led to an amendment in the solution being put before Committee for agreement. The proposed variation now involves the following elements:-

- Reduction in the total percentage of affordable housing on the site from 35% to 20%
- Retention of the 26 place pre-school nursery, but removal of the need to provide land for an extension to turn this into a 52 place nursery

### **Relevant history:**

07/02424/OUT – Mixed use redevelopment of former printworks comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads – Permission.

Application 07/02424/OUT was considered by Committee in May 2008, when it was resolved to grant permission subject to conditions and the entering into of a Section 106 agreement. This agreement was duly concluded in 2010 and the permission issued. The S106 agreement included contributions towards highway improvements, a bus stop and shelter, highway safety, public rights of way and footpaths, traffic management, local bus services, a controlled crossing, improvements to Church Street, education, pre-school nursery provision, allotments, management and maintenance of a wildlife area, play areas, a youth centre, management and maintenance of a fitness trail, public art and an Old Mills feasibility study. It also included the provision of 35% of the housing as affordable housing.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**VIABILITY CONSULTANTS:** An independent firm of viability consultants were instructed to advise the Council on the merits of the request for a variation and to assist in negotiations with the applicants. Their conclusion was that it would be reasonable to accept a reduction in affordable housing to 15% and the deletion of the pre-school nursery (*Note – the complete deletion of the pre-school nursery is no longer proposed*).

In the event, at a meeting with the applicants, their viability consultants and the Council's viability consultants, the applicants offered a reduction in affordable housing to 20% and the deletion of the pre-school nursery, with the remainder of the obligation remaining intact, apart from minor consequential amendments. The Council's viability consultants advised that this was a good deal in the circumstances.

HOUSING: Accept the conclusions of the viability consultants, were involved in the negotiations with the applicants and the viability consultants and are continuing to negotiate with the applicants on the details of the provision of affordable housing throughout the site.

EARLY YEARS AND EXTENDED SERVICES: Have been involved in the negotiations over the pre-school nursery and accept the position now put forward.

PAULTON PARISH COUNCIL: Objected to the previous proposal involving the complete loss of the pre-school nursery provision.

## **POLICIES/LEGISLATION**

IMP.1, HG.1, HG.8, GDS.1 Bath & North East Somerset Local Plan including waste and minerals as adopted October 2007

## **OFFICER ASSESSMENT**

The development of the Pole Star site is seen as important in the regeneration of Paulton and in continuing to provide housing within the Council's area. It is considered that it is better to negotiate a position with the applicants and to secure the development of the site in the near future, than to refuse this and see the site remain idle until such time as the market improves to support the full provisions of the Section 106 agreement.

The current Section 106 agreement requires the construction of a 26 place pre-school nursery building and the provision of land of sufficient size to enable the construction of a 52 place pre-school nursery.

An alternative children's centre (pre-school nursery) has now been constructed elsewhere in Paulton, so that it would not now be necessary or reasonable (tests that need to be met to satisfy Circular 05/05 on Planning Obligations) to continue to seek the provision of additional land to enable the construction of a 52 place nursery as part of the Section 106 agreement on this site. The retention of the 26 place nursery as now proposed is considered to be necessary and not to make the development unviable.

All the other agreed contributions would remain at their agreed levels. The only other alteration to the position reported to Committee in May 2008, when the Heads of Terms for the Section 106 were agreed, would be the reduction in the percentage of affordable housing.

The recommendation is to agree to the variation in the Section 106 agreement that has been negotiated.

## **RECOMMENDATION**

**To agree to the requested variation of the planning obligations entered into in respect of the above Development as set out above and that if the Committee is minded to accept this recommendation:**

**That the Development Control Committee resolve that the Council enter into a supplemental Section 106 Agreement with the current owners of the land to vary the terms of the Section 106 Agreement dated 17 June 2010 made between the Council, Purnell Property Group and Investec Ltd in respect of land on the north side of Hallatrow Road, Paulton ("the Original Section 106 Agreement") to provide that the Affordable Housing provision for the Development is reduced from 35% to 20% and that the requirement to provide land which shall be of sufficient size to facilitate the provision of a 52 place pre-school nursery together with ancillary play space and parking space be removed but the obligation to construct and fit out a building capable of accommodating a 26 place pre-school nursery together with ancillary play space and parking space be retained.**

Background Papers

Original report to Committee on 07/02424/EOUT dated May 2008.

Signed Section 106 agreement dated 17 June 2010 relating to this site.

Submitted viability assessment on behalf of the applicants dated 15 April 2011.

Independent valuation report dated 7 June 2011.

Letter submitted on behalf of the applicants setting out the agreed viability position dated 24 June 2011.





## **REPORT**

**REASON FOR REPORTING THE APPLICATION TO COMMITTEE:** The application is being reported at the request of Councillor Malcolm Lees for the following reasons; the proposed development is considered to be overdevelopment of the site, there inadequate off-street parking and the proposed development will result in the relocation of an existing sewer.

The Chairman of the Committee has agreed that the application should be taken to the Development Control Committee.

## **DESCRIPTION OF SITE AND APPLICATION**

Brookfield Park is located on the north western edge of Bath. Number 80 is an end of terrace property located outside the Conservation Area but within the World Heritage Site. The surrounding properties have been predominantly constructed from reconstituted stone.

The application relates to the erection of a two storey side, single storey rear extension and two storey rear extension. This will result in the conversion of the property into four flats. The side extension appears as a continuation of the terrace. The single storey rear extension includes a flat roof and extends across the full width of the rear elevation. The two storey extension is located in the centre of the rear elevation and includes a lean to roof.

The proposed development includes parking for four cars contained within the front garden and a rear communal garden to be used by the occupants of the ground floor flats.

## **RELEVANT PLANNING HISTORY**

09/04105/FUL - Conversion and extension of existing dwelling to provide 4no. apartments, refused 26/01/2009

10/01280/FUL - Conversion and extension of existing dwelling to provide 4no. apartments (Resubmission), withdrawn 13/05/2010

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**WESSEX WATER:** The development is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the property. There is a foul sewer crossing the site and Wessex Water requires a 3m easement width on either side of the apparatus. Diversion or protection of the sewer may be need to be agreed.

The developer is required to protect the integrity of Wessex Water systems and agree protection of the infrastructure prior to the commencement of the development.

**BUILDING CONTROL:** No comment

**HIGHWAYS DEVELOPMENT TEAM:** The parking area has been revised to allow one space for each dwelling within the front garden therefore the highways officer has withdrawn his objection. The application site is located close to local shops and services as well as a local bus route. Conditions should be attached to any permission requiring the

driveway to be surfaced in a bound and compacted materials and details of the cycle store to be submitted.

**COUNCILLOR MALCOLM LEES ADVISES THAT:**

The application represents overdevelopment of the site and flats are not characteristic of the surrounding area.

The front garden will be used for parking and this will leave little outdoor amenity space.

The proposal could lead to an increase in on street parking.

The introduction of a bin store would cause unwanted odours.

The flat roof is out of keeping with the surrounding area.

**REPRESENTATIONS:** Eight representations have been received objecting to the application for the following reasons;

The Council stated in 1964 that no more development will take place on the site.

The proposed development will block the view of Lansdown from neighbouring dwellings.

Hardly anything has changed from the previous application

The proposed development will overlook nearby properties.

The proposed development will result in an increase in on street parking.

The dropped kerb will result in a loss of on street parking.

This should not be let out to student or social housing.

The development is not in keeping with the street and will increase noise levels within the street.

The proposed moving of the sewer will cause problems for the neighbouring dwelling of number 82.

The proposed extension will be built over a private sewer.

The materials are out of character with the existing street.

Four flats appears to be excessive

There are not adequate turning facilities on site to allow vehicles to leave in forward gear.

The car parking space will have a detrimental impact on the streetscene.

**POLICIES/LEGISLATION**

**POLICY CONTEXT:**

**BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICES - ADOPTED OCTOBER 2007:** Policies D.2 and D.4 relate to the impact of the development on the character of the area. Policy Bh.1 relates to the impact of development on the World Heritage Site. Policies T.24 and T.26 set out highway safety and parking requirements.

**NATIONAL POLICY:**

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development

Planning Policy Statement 3 (PPS3): Housing

Planning Policy Guidance 13 (PPG13): Transport

Draft National Planning Policy Framework - This document is a draft document currently under consultation and can only be attributed limited weight.

## **OFFICER ASSESSMENT**

**PRINCIPLE OF PROPOSED DEVELOPMENT:** The existing dwelling is located within the city of Bath where the principle of residential development is accepted.

Planning policy statement 3 (PPS3), housing, has been revised so that garden land is now classed as 'greenfield' land. This does not however mean that development cannot occur on this site, only that PPS3 advises that priority for development should be on previously developed land. The same document also highlights that residential areas may be suitable sites for residential intensification. As stated above the site is located within the city of Bath and is located within a residential area. Whilst the site is a greenfield site this does not therefore preclude its development for additional dwellings.

**APPEARANCE:** The proposed extension will appear as a continuation of the existing terrace. The proposed two storey rear extension will project 1.7m from the rear of the property and will not cover the full width of the rear elevation. The proposed side extension will still retain a gap of over 4m from the boundary of the neighbouring dwelling. Within the streetscene the gap between number 80 and 82 is unusually large in comparison with other dwellings within the street. The provision of the side extension will still result in a reasonable gap between the properties being retained therefore not harming the rhythm of the street.

The proposed single storey rear extension will appear as an enlargement and continuation of the existing single storey rear extension which runs across the rear of the terrace. Therefore in this case the provision of a flat roof is considered to be acceptable.

The proposed extension will be constructed in stone to match the existing dwelling to the front elevation therefore respecting the appearance of the existing dwelling. The side and rear elevation will be covered in render and with one section of timber cladding on the rear elevation. However the applicant has not specified the proposed materials on the revised drawings therefore a condition requiring a schedule of materials and finishes should be attached to any permission. For the above reasons the proposed extension is considered to respect and complement the host dwelling.

The majority of the surrounding streetscene is characterised by open front gardens with no boundary treatments. Uncharacteristically number 80 includes a front parking space and low boundary wall. Therefore whilst the provision of parking in the front garden is not considered to be characteristic of the streetscene it is considered to be acceptable at number 80. The applicant has indicated on the proposed drawings that the front parking area will be landscaped and an area of grass will remain within the front garden.

**HIGHWAYS CONSIDERATIONS:** The highways officer originally objected to the application as the parking provision was not considered to be adequate. The parking area has been revised to allow one space for each dwelling therefore the highways officer has withdrawn their objection. The application site is located close to local shops and services as well as a local bus route.

The highways officer has requested a number of conditions should be attached to any permission including requiring the parking area to be surfaced in a bound and compacted material. The applicant has proposed to use a paving brick on the parking area and therefore such a condition is not considered to be necessary. The highways officer has

also requested that details of the cycle storage area are submitted prior to the commencement of the development.

Concern has been raised within the representations that the dropped kerb will result in an increase in on street parking and that vehicles will not be able to leave the site in forward gear. However the highways officer has raised no objection and is satisfied that adequate parking levels have been provided. Whilst the parking area will not allow vehicles to leave the site in forward gear, the highways officer has not raised concern that the parking layout will cause harm to highway safety. The visibility when leaving the parking area is considered to be sufficient for vehicles to leave the site in forward gear.

**NEIGHBOUR AMENITY:** The proposed extension has not included glazing at first floor level on the side elevation. Therefore the proposed extension will not overlook the neighbouring occupiers of number 82. The proposed 2 storey rear extension will not be located directly on the boundary of the neighbouring dwellings therefore the proposed extension will not appear overbearing to neighbouring properties.

The proposed single storey extension will be located close to the adjoining boundary of number 78. This will partly be covered by an existing rear extension at number 78 and is therefore not considered to be overbearing to the occupiers of number 78.

For the above reasons the proposed alteration will not harm the amenity of nearby residential occupiers.

**OTHER MATTERS:** With regards to the comments made within the representations regarding any effect the development has on the drains. This is an issue that can be addressed through a building regulations submission and would not warrant refusal of planning permission in this case.

Concern has also been raised that the proposed flats could be rented for students. The proposed flats include either one or two bedrooms and therefore would not be classed as houses in multiple occupation.

## **CONCLUSION**

The proposed development is located within the city of Bath where the principle of residential development is accepted. The proposed development is considered to respect and complement the host dwelling and will not cause undue harm to the appearance of the streetscene within the World Heritage Site. The proposed development will not cause harm to the amenity of nearby residential occupiers.

## **RECOMMENDATION**

PERMIT with 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. Notwithstanding the submitted drawings, 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 the interests of the appearance of the development.

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

Reason: In the interests of amenity and highway safety.

4 Plans showing a secure and sheltered cycle parking area (providing for a minimum of 4 cycles) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This area shall be available prior to occupation of the development and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of sustainable development.

5 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:**

Site survey 630:S:001  
Survey: ground 630:S:002  
Survey: first 630:S:003  
Elevation: north 630:S:004  
Elevation: south 630:S:005  
Elevation: west 630:S:006  
Elevation: east 630:S:007  
Site location plan 630:1:000  
Plan: site 630:2:001.  
Plan: ground 630:2:002  
Plan: first 630:2:003  
Elevation: north 630:2:004  
Elevation: south 630:2:005  
Elevation: west 630:2:006  
Elevation: east 630:2:007

#### **REASONS FOR GRANTING APPROVAL**

1. The proposed development would not have an adverse impact upon the streetscene or the amenity of the surrounding residential occupiers. Due to the siting of



the extension to the rear and side of the property and the use of an appropriate design the proposed extension will not cause undue harm to the character of the World Heritage Site. The proposed development will not cause harm to highway safety.

2. 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.

A.

D2, D4, Bh.1 and T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

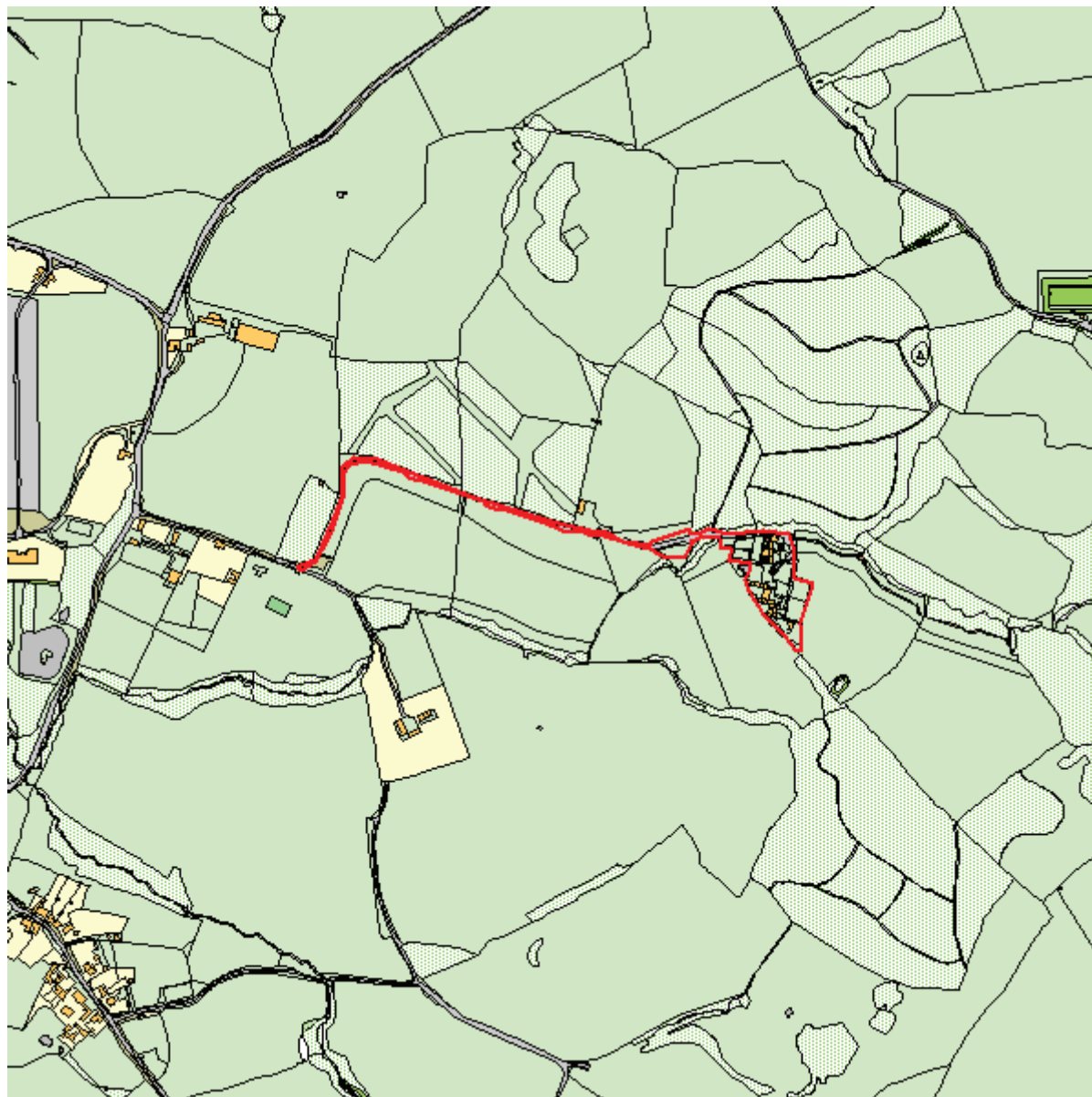
Informative

1. The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a Licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

2. The development is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the property. There is a foul sewer crossing the site and Wessex Water requires a 3m easement width on either side of the apparatus. Diversion or protection of the sewer may need to be agreed.

The developer is required to protect the integrity of Wessex Water systems and agree protection of the infrastructure prior to the commencement of the development.

**Item No:** 05  
**Application No:** 10/04399/FUL  
**Site Location:** Folly Farm, Folly Lane, Stowey, Bristol



**Ward:** Chew Valley South      **Parish:** Stowey Sutton      **LB Grade:** N/A

**Ward Members:** Councillor V L Pritchard

**Application Type:** Full Application

**Proposal:** Change of use from Class C2 to Mixed Use combining Classes C2/D2 for residential education, wedding ceremonies and receptions with ancillary cafe, teaching and workshop facilities (Retrospective)

**Constraints:** Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal fields, Forest of Avon, Greenbelt, Sites of Nature Conservation Imp (SN), Water Source Areas,

**Applicant:** Avon Wildlife Trust

**Expiry Date:** 16th February 2011

**Case Officer:** Andy Pegler



## **REPORT**

**REASON FOR REPORTING APPLICATION TO COMMITTEE:** The application has been brought to Committee having regard to the sensitive planning history of the site, and at the request of the Development Manager.

**DESCRIPTION OF SITE AND APPLICATION:** Folly Farm is remotely situated some 1.5km to the north of Stowey. It is accessed from the A368 via Folly Lane and a track which continues beyond. The farm is operated by Avon Wildlife Trust as a residential education centre, with ancillary facilities. The site is within the Green Belt; and is designated as a Local Nature Reserve and (in part) a Site of Special Scientific Interest.

The nearest residential neighbours are situated at the western end of Folly Lane, and at Lyde's Farm to the south-west.

The application is retrospective, and attempts to regularise the currently unauthorised use as a wedding venue. Whilst the application refers to weekend wedding facilities, with guests arriving on a Friday and departing on the Sunday, the advertising literature indicates that the enterprise currently offers both weekend and weekday facilities. Wedding events are currently restricted to a total of 35 per year. Hours of operation are proposed as 9.00am-2.00am, Monday to Friday and 9.00am-23.00pm, Sundays and Bank Holidays. The application includes a planning statement and transport and noise assessments, amended in response to issues which have been raised, and an ecological assessment.

**RELEVANT PLANNING HISTORY:** Planning permission was granted, in 2006, for the use of the farm complex as a residential education centre with ancillary café and teaching and workshop facilities (05/03279/FUL).

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**HIGHWAY DEVELOPMENT OFFICER:** Is satisfied that the visibility at the junction of Folly Lane with the A368 is of a satisfactory standard; and that the level of traffic generated by the proposed use would not be to the detriment of highway safety. Attention is drawn to the requirements of the Section 106 Agreement relating to a previous planning application, which sought to secure an appropriate passing bay at the eastern end of Folly Lane.

**ECOLOGICAL OFFICER:** Is satisfied that, with appropriate mitigation measures, there would be no harm to ecological interests.

**ENVIRONMENTAL HEALTH OFFICER:** Advises that the potential for noise disturbance will depend on a number of variables. Noise generated from within the building(s) can be regulated and/or conditioned; levels of noise generated from external activities cannot be accurately predicted, nor appropriately conditioned.

## **OTHER REPRESENTATIONS / THIRD PARTIES:**

Letters of objection have been received from, or on behalf of, the 3 neighbouring occupiers. They express the following concerns:

- the visibility and stopping distances at the junction of Folly Lane and the A368 are grossly inadequate (attention is drawn to highway concerns in relation to previous applications);

- traffic generated by Folly Farm exceeds the figures presented with the previous application, in 2006;
- no account has been taken of traffic generated by related services and staff, nor the potential for resident guests to travel to and from the site during the course of their stay;
- uncontrolled activity could further increase in the future;
- previous applications relating to premises on Folly Lane have previously been refused, and dismissed on appeal;
- disturbance by late night / early morning music;
- functions throughout a significant part of the year;
- noise disturbance by traffic late at night / early morning; and
- regular conflict involving 2 way traffic along the lane.

10 letters of support have been received from service providers to, and users of, Folly Farm as a wedding venue. They describe the benefits to local businesses/employers, and the attractive nature of the facility.

## **POLICIES/LEGISLATION**

### **POLICY CONTEXT:**

NATIONAL POLICY: National planning advice is provided in the following guidance notes:

PPS 1: Delivering Sustainable Development;

PPS 2: Green Belts;

PPS 4: Planning for Sustainable Economic Growth;

PPS 7: Sustainable Development in Rural Areas; and

PPG 24: Planning and Noise.

The Government's draft National Planning Policy Framework is also a material consideration; at this stage, only limited weight may be attached to it.

DEVELOPMENT PLAN: Bath and North East Somerset Local Plan (including Minerals and Waste Policies) 2007. Relevant policies:

GB.1: Control of development in the Green Belt;

GB.2: Visual amenities of the Green Belt;

NE.8: Nationally important wildlife sites;

NE.9: Locally important wildlife sites;

NE.11: Locally important species and habitats;

ET.9: Re-use of rural buildings;

ES.12: Noise and vibration;

D.2: General design and public realm considerations; and

T.24: General development control and access policy.

The Council's Submission Core Strategy (May 2011) is out at inspection stage and therefore will be given only limited weight for development control purposes.

## **OFFICER ASSESSMENT**

PRINCIPLE OF PROPOSED USE: The existing authorised use of the site was approved following referral to the Secretary of State, and in the face of Green Belt and Highway concerns, on the basis that the (then) proposal entailed a very worthwhile residential educational establishment, and that very special circumstances applied. The scheme was

portrayed as being of low intensity, with tightly controlled and limited vehicle activity; and consistent with this tranquil environment.

The current proposal seeks to make favourable comparisons between activity generated by an average wedding function and that currently generated by an average conference. This raises two issues:

Firstly, the approved scheme described a daily average of 12 vehicle trips, with the busiest day of the year generating 52 trips. The current proposal suggests however that the average for a conference is 50 trips, and that this figure equates to the average number of trips generated by a wedding, i.e. the average wedding generates a level of activity that was previously anticipated on only the busiest day of the year. The Centre appears to be generating traffic in excess of that which was predicted at the outset. Furthermore, the current figures do not appear to include service/delivery vehicles; and the timing of vehicle movements associated with a conference is unlikely to be comparable with that associated with a wedding.

Secondly, the suggestion that the use of Folly Farm for wedding functions is compatible with its use for conferences is considered unreasonable. The likely nature of a conference associated with this education centre is significantly different to the likely nature of a wedding function, which is a quite independent social / celebratory affair.

**GREEN BELT:** An assessment of the previous application concluded, overall, that the proposal constituted inappropriate development in the Green Belt. The precise nature of the proposal was however considered to represent 'very special circumstances' sufficient to outweigh the harm. Whilst the proposed additional use would, for the most part, utilise existing buildings and car park areas, the introduction of a commercial operation with associated paraphernalia would fail to maintain the openness of the Green Belt. The Centre, for example, promotes the erection of marquees and similar structures. The proposal therefore represents inappropriate development; the suggested benefits to the educational / conservation enterprise and the local economy do not represent very special circumstances sufficient to outweigh the harm by reason of inappropriateness.

**HIGHWAYS:** The junction of Folly Lane with the A368 has been re-assessed and has been found to be of a satisfactory standard, and the level of traffic generated by the proposed use raises no objection on the grounds of highway safety.

**RESIDENTIAL AMENITY:** The applicants have sought to demonstrate that the proposal will have little or no impact upon the amenities of neighbours, who are some distance away from the farm complex. Measures have been installed within the main reception building in order to reduce the potential for disturbance from amplified music, etc. and, if acceptable in principle, an appropriate condition could be attached to any permission; further measures would reduce the noise generated by vehicles moving over a cattle grid within the access drive, and these also could be conditioned. It is further argued that no demonstrable harm would be caused to neighbouring properties by reason of noise resulting from external gatherings, backed by the findings of a survey relating to a 'welcoming reception' held over 3 hours during an early afternoon. Such findings do not however satisfactorily address concerns relating to potential disturbance during late night and early morning hours and resulting from external activities in circumstances which cannot be accurately predicted, nor adequately controlled by condition.

Furthermore the proposed use will generate traffic along Folly Lane, which runs adjacent to residential properties, at a level and time of day which could not reasonably be expected as a consequence of the currently approved use of Folly Farm. The area is relatively tranquil, and the Council has received neighbour objections relating to noise and other disturbance.

**WILDLIFE:** An ecological assessment including proposed mitigation measures has been submitted in response to initial concerns regarding a lack of survey data. Such mitigation measures would be the subject of appropriate conditions if this application was found to be acceptable in principle.

**SUSTAINABILITY:** The Folly Farm Centre has been established employing low impact building techniques. No further operational development is proposed in association with the current proposal which might otherwise raise issues relating to sustainability.

**OTHER MATTERS:** It is clear from the representations received that the (unauthorised) use of the centre is welcomed by various service providers. Local employment benefits weigh in favour of the proposal, as do the benefits resulting from the contribution towards the conservation work of the Avon Wildlife Trust.

#### **CONCLUSION:**

The proposed use represents inappropriate development in the Green Belt, and would fail to maintain openness. The suggested benefits to the educational / conservation enterprise and the local economy do not represent very special circumstances sufficient to outweigh the harm by reason of inappropriateness.

Notwithstanding the concerns of neighbours, the proposal raises no substantive issues with regard to highway safety. Traffic associated with the proposed use would however adversely impact upon the amenities of neighbouring residential occupiers.

Further harm to residential amenity would be likely to be caused by external noise associated with the proposed use.

The attraction of the facility to potential users and the benefits to the local economy are recognised, but do not outweigh the identified harm.

#### **RECOMMENDATION**

**REFUSE**

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

1 The proposed change of use, to a mixed use, represents inappropriate development which fails to maintain the openness of the Green Belt. No very special circumstances have been demonstrated sufficient to outweigh the harm by reason of inappropriateness. The proposal is therefore contrary to Policies GB.1, GB.2 and ET.9 of the Bath and North East Somerset Local Plan (including Minerals and Waste Policies) 2007.

2 The proposal will result in disturbance resulting from external noise and vehicle movement, to the detriment of the amenities of neighbouring residential occupiers and

contrary to Policies D.2 and ES.12 of the Bath and North East Somerset Local Plan (including Minerals and Waste Policies) 2007.

**Item No:** 06  
**Application No:** 11/03877/FUL  
**Site Location:** 11 Old Newbridge Hill, Newbridge, Bath, BA1 3LX



**Ward:** Newbridge      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor L Morgan-Brinkhurst      Councillor C M L Roberts  
**Application Type:** Full Application  
**Proposal:** Provision of loft conversion with 1no side and 1no rear dormer (Resubmission)

<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
<b>Applicant:</b>	Mr And Mrs N Roberts
<b>Expiry Date:</b>	31st October 2011
<b>Case Officer:</b>	Jonathan Fletcher

## **REPORT**

**REASON FOR REPORTING APPLICATION TO COMMITTEE:** The application has been referred to the Development Control Committee because the applicants are elected members and this application relates to their own house.

**DESCRIPTION OF SITE AND APPLICATION:** The application relates to a semi-detached property located within the Bath World Heritage Site. The prevailing character of the surrounding area is residential. The host building is located to the south side of Old Newbridge Hill within a row of properties which are constructed in the same architectural style.

The application seeks planning permission for the provision of a loft conversion with two dormer windows which would be positioned to the side and rear elevations of the host building. The dormer window to the side elevation is designed with a hipped roof which would be set down from the ridgeline of the main roof. A dormer window with a flat roof is proposed to the rear elevation. The roof of the side dormer window is proposed to be tiled to match the main roof. The vertical planes of both dormer windows are proposed to be finished with tile hanging to match the colour of the main roof.

Relevant Planning History:

11/02539/FUL - WITHDRAWN - 16 August 2011 - Erection of 1no rear and 1no side dormer window

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

A consultation exercise has been undertaken however no responses have been received.

## **POLICIES/LEGISLATION**

**LOCAL POLICY:**

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

The following policies are relevant in this case:

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

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

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. The policies above have been saved indefinitely until they are replaced through the Local Development Framework. The following policies from the Core Strategy are relevant to this application:

B4: The World Heritage Site and its setting

NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development 2005

It is noted that the Draft National Planning Policy Framework is currently under consultation. This document seeks to consolidate the existing national planning guidance, including the principles set out in PPS1.

### **OFFICER ASSESSMENT**

**INTRODUCTION:** The primary issues to consider when determining this application relate to the visual impact of the development and the residential amenity of adjoining occupiers. A previous application was withdrawn following concerns in relation to the visual impact of the side dormer window. An identical scheme incorporating a side dormer window is pursued under the current application.

**VISUAL IMPACT:** The host building is a semi-detached dwelling which is formed with a hipped roof and a two storey bay window to the front elevation. There are a range of detached, semi-detached and terraced properties on Old Newbridge Hill however the host building is located within a row of properties to the south side of the highway which are constructed in the same architectural style.

The flat roof dormer to the rear elevation of the host building is considered to be acceptable in this context. The scale of the structure could be adequately accommodated within the roof of the host building and the development would not be visible from the surrounding area.

The side dormer window is considered to have an adverse impact on the character and appearance of the host building and the street scene. The hipped roof forms of this row of properties are an important characteristic of the area. The massing of the structure is derived from the internal requirements to incorporate the stairs from the first floor. This would create an asymmetrical shape to the face of the dormer window. The scale of the proposed dormer window and its siting to the side elevation would present an unsympathetic form of development which would compromise the simplicity of these roof forms. The siting of the side dormer window would be particularly prominent within the street scene and would unbalance the front elevation of the semi-detached pair. The existing dormer windows which have been constructed to the side elevations of other properties on Old Newbridge Hill serve to illustrate the harm which caused by this type of development

Whilst there is considered to be clear harm to the character and appearance of the host building and the street scene, the proposal would not affect the qualities which justified Bath's inscription as a World Heritage Site. Therefore, no objection is raised to the proposal on this basis.

**RESIDENTIAL AMENITY:** There are no properties located in close proximity to the rear of the application site which would be affected by the development. The additional outlook to the rear from the attic would not significantly increase the level of overlooking to the rear gardens of the adjacent properties. There are no windows to the side elevation of the adjacent property to the east and therefore the outlook from the side dormer window would not affect the privacy of these occupiers. Moreover, this window would serve the stairs and would not create an outlook from a habitable room. In light of the points set out above the proposal is considered to maintain the residential amenity of adjoining occupiers.

**CONCLUSION:** The design of the proposed side dormer window would have an adverse impact on the character and appearance of the host building and the street scene. The proposal is therefore contrary to policies D.2 and D.4.

## **RECOMMENDATION**

**REFUSE**

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

1 The proposed side dormer window, by reason of its design, scale, massing and prominent siting, would have a detrimental impact on the character and appearance of the host building and the street scene contrary to policies D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

**PLANS LIST:** 1, 2, 3, 4,10 received 05 September 2011.



Bath and North East Somerset Council			
MEETING: <b>Development Control Committee</b>	AGENDA		
MEETING DATE: <b>26<sup>th</sup> October 2011</b>	ITEM NO:		
REPORT OF <b>David Trigwell, Divisional Director of Planning and Transport Development.</b>			
REPORT ORIGINATOR: <b>Ms Lisa Bartlett, Development Manager (Tel. Extension No. 7281).</b>			
DATE PREPARED: 6 <sup>th</sup> October 2011			
AN OPEN PUBLIC ITEM			
BACKGROUND PAPERS: <b>Planning Application 09/00367/FUL, Condition application 10/00919/COND and Enforcement file 11/00271/NONCOM</b>			
TITLE: Enforcement Report: <b>The Old Orchard, 1 The Shrubbery, Lansdown, Bath. BA1 2RU</b>			
WARD : <b>Lansdown</b>			

## 1.0 PURPOSE OF REPORT

To seek Members view on the harm caused to the City of Bath Conservation Area and World Heritage site with respect to the unauthorised orange coloured stone used in the cladding of the new dwelling and boundary wall. Member's views are also required with regard to the gates to the parking area onto the footpath and surface treatment, which are not built according to approved plans. Officers are seeking Authority from Members to take any appropriate action with respect to the above.

## 2.0 LOCATION OF PLANNING CONTRAVENTION

The Old Orchard, 1 The Shrubbery, Lansdown, Bath, BA1 2RY ("the Property"), as outlined in bold on the attached site location plan (Appendix 1).

## 3.0 OUTLINE OF PLANNING CONTRAVENTION

The materials used to clad the new dwelling and boundary wall to the development do not match the approved sample as shown in *photograph B*.

The boundary to the parking area has not been built in accordance with approved plan S2B and is therefore in breach of Condition 10 of permission 09/00367/FUL

## 4.0 RELEVANT PLANNING HISTORY

In February 2009 an application was received by the Local Planning Authority for a single dwelling on vacant land located between Lansdown Road and Portland Place. The application was referred to Planning Committee (5<sup>th</sup> August 2009) and

recommended for refusal by the Planning Case Officer. Members resolved however to grant conditional planning permission. Condition 2 states;

*“No development shall commence on the site for a dwelling house 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 the interests of the appearance of the development and the character and appearance of the Conservation Area.”*

Condition 10 states;

*The dwelling hereby approved shall not be occupied or brought into use until the area allocated for parking and turning on the submitted plans has been properly consolidated (not loose stone or gravel) and thereafter kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted. The parking area including the boundary wall/fence shall be constructed in accordance with drawing No. s2b dated 5th June 2009 and permanently retained as such.*

*Reason: In the interest of highway safety.*

In March 2010 an application was received to discharge a number of conditions including condition 2 (materials). Within the application was a photograph marked “photograph B” which shows a stone sample panel. The planning case officer visited the site and viewed the sample board. Based on the information provided, the condition was formally discharged on 28<sup>th</sup> April 2010.

In response to a number of complaints received, the Property was visited on the 11<sup>th</sup> May 2011. The Enforcement Officer observed that the materials used to clad the new dwelling and boundary wall along The Shrubbery public footpath did not match those approved under application 10/00919/COND. The Enforcement Officer noted that the stone was of an Orange colour and did not match the surrounding buildings built of Bath Stone. Also during the visit the Enforcement Officer noted that the opening onto The Shrubbery footpath from the parking area was wider than those shown on approved plan S2B. It was noted that the opening was wide enough to facilitate a motor vehicle.

The owner was advised by letter on 20<sup>th</sup> May 2011 that the parking area has not been built in accordance with approved plans and that, following a consultation with the Authority’s Highway Team and Public Rights of Way Team, under no circumstances must The Shrubbery footpath be used for any form of vehicular access, in the interest of public and highway safety. The owner was also advised to provide the stone sample approved by the Authority for clarification.

The Enforcement Officer received a reply from the owner dated 29<sup>th</sup> May 2011. The letter advised that the sample board had been removed deliberately from the site by persons unknown.

The owner is in dispute the Local Planning Authority about the external stone used on the dwelling and boundaries. The Enforcement Team have conducted an independent investigation and are of the view that the stone used on the dwelling and boundary is different to what was approved by the Planning Authority which can be shown through photographs taken from The Shrubbery public footpath.

The owner was advised by letter on 13<sup>th</sup> June 2011 the parking area should be built in accordance with the approved scheme and again under no circumstances must The Shrubbery footpath be used for vehicular traffic. This was following advice from the Councils Highway Development Team Leader who had advised that the emergency Service would not attempt to drive across the footpath due to the width of the gates and lack of ground clearance and it would not be safe for private vehicles. In the event of an emergency the Fire Brigade would park their appliances in St. James's Park and enter property on foot.

On 13<sup>th</sup> June 2011, the owner submitted application 11/02513/COND to "discharge of condition 10 of application 09/00367/FUL (erection of single dwelling and associated works). This application was subsequently refused on 8<sup>th</sup> August 2011 for the following reason;

*"The development has not been constructed in accordance with the requirement of condition 10 of planning application 09/00367/FUL and the condition can therefore not be discharged."*

A letter was received from the Owner on 1<sup>st</sup> July 2011 stating that the stone used on the development is the same stone that was approved by the Planning Authority through application 10/00919/COND. The letter further states that the parking area has been built in accordance with the approved plan which was not intended to be scaled. The letter also confirms that the owner would not use The Shrubbery Public Footpath for vehicular access.

The owner was advised by letter on 14<sup>th</sup> July 2011 by the Development Manager, that following a site visit it was noted that it would not be safe to drive a vehicle over The Shrubbery footpath, and that the loose material used to surface the parking area is unacceptable and contravenes the requirements of condition 10 of permission 09/00367/FUL. The letter further advises that the stone used on the development does not match the stone used on the approved sample board which can be proven through photographic evidence; and that the stone used is not acceptable in terms of the location of the site within the Conservation Area and World Heritage Site and in close proximity to several listed buildings. The owner was also advised that Officers did not initially consider it expedient to pursue the stone used on the house but that Members may reach a different conclusion in the event of the matter being considered in the Development Control Committee. (This letter is attached at Appendix 2) The owner was given the option of revising the development in order to mitigate the harm caused in terms of the boundary wall and parking area.

There have been considerable amounts of correspondence with the owner and her Legal representative attempting to seek an acceptable resolution to this situation. However, the situation has not been resolved and the dwelling, boundary wall and parking area remain unacceptable. Your Officers are therefore seeking authority to take appropriate action.

## **5.0 DEVELOPMENT PLAN**

Of particular relevance to this matter is the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007 (the Local Plan). Policies D.2 and D.4 therein relate to design and townscape objectives. Policies BH.2 and BH.6 relate to the built and historic environment and policy T.24 relates to highway safety.

## **6.0 CENTRAL GOVERNMENT ADVICE**

Relevant advice is contained in Planning Policy Statement 1 (PPS 1): *Delivering Sustainable Development*; PPS 3: *Housing*; PPS 5 *Historic Environment* and Planning Policy Guidance 18: *Enforcing Planning Control*.

## **7.0 EXPEDIENCY OF ENFORCEMENT ACTION**

The development is located within the City of Bath Conservation Area and the designated World Heritage Site. The site is visible from a number of Grade I and Grade II listed buildings and from the public domain.

Whilst the new dwelling has been clad using inappropriate stone, Officers do not consider it expedient to seek to the removal of the stone from the dwelling. This is because the dwelling is not clearly visible from the public viewpoint; in addition the detailed design means that the occupiers of the neighbouring properties predominantly view the roof of the new dwelling or glazed sections. This reduces the impact of the unauthorised material. However, the boundary wall, which is clad using the same unauthorised stone, is constructed next to a busy public footpath and considered detrimental to the setting of the surrounding listed buildings. It fails to either preserve or enhance the Conservation Area and is, in fact harmful to the character and appearance of both the World Heritage Site and Conservation Area. The stone continues to cause significant harm because its overall appearance with an orange colour and contrasting jointing appears as an incongruous feature and is therefore contrary to policy D.2, D.4, BH.2 and BH.6 respectively.

Whilst the current owner has stated that she does not intend to drive through the gate, she has been unwilling to amend the boundary treatment as has been suggested. It remains possible for either the current owner or future owners to drive through the gates across the public footpath. This would result in a hazard to pedestrians using the path. The surface materials used within the parking area are loose in nature and present a hazard to users of the public footpath and to the highway in St. James's Park contrary to policy T.24.

In the circumstances, enforcement action against the materials used on the boundary walls and the parking area surface and gates is therefore considered expedient.

## **8.0 HUMAN RIGHTS**

8.1 It is considered that Article 1 of Protocol 1 (peaceful enjoyment of possessions) and Article 8 (right to respect for private and family life, home and correspondence) of the European Convention on Human Rights may apply in this case. However, these rights must be weighed against the rights of neighbouring occupiers who may be adversely affected by the unauthorised development. Taking into account the planning harm identified above, it is considered that the public interest weighs in favour of enforcement action.

## **9 RECOMMENDATIONS**

That delegated authority be granted to the Development Manager, in consultation with the Planning and Environmental Law Manager, to take any necessary enforcement action on behalf of the Local Planning Authority in respect of the alleged planning contravention outlined above, by exercising the powers and duties of the Authority (as applicable) under Parts VII and VIII of the Town and Country Planning Act 1990 (including any amendments to or re-enactments of the Act or Regulations or Orders made under the Act) in respect of the above Property.

### *General Note*

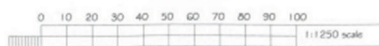
*This specific delegated authority will, in addition to being the subject of subsequent report back to Members in the event of Enforcement Action either being taken, not being taken or subsequently proving unnecessary as appropriate, be subject to:*

- (a) all action being taken on behalf of the Council and in the Council's name;*
- (b) all action being subject to statutory requirements and any aspects of the Council's strategy and programme;*
- (c) consultation with the appropriate professional or technical officer of the Council in respect of matters not within the competence of the Head of Planning Services, and*
- (d) maintenance of a proper record of action taken.*

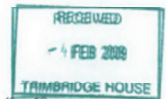
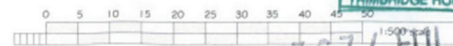
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LOCATION PLAN 1:1250



BLOCK PLAN 1:500



09/003677/FUL

CLIENT	LOCATION	PROPOSAL	DRG. No.	SCALE
MS J. WILSON	THE OLD ORCHARD 1 THE CHURCHDOCK PORTLAND PLACE, BATH, BA1 2RU	NEW DWELLING	4 REV. A	1:1250 / 500 A3 DATE DEC 06



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**Development Manager**  
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E-mail: [lisa\\_bartlett@bathnes.gov.uk](mailto:lisa_bartlett@bathnes.gov.uk)  
Date: 14th July 2011  
Our Ref: 11/02513/COND

Ms J Wilson  
4 Portland Place  
Bath  
BA1 2RU

Dear Ms Wilson

**Ref The Shrubbery, Portland Place, Bath  
11/02513/COND**

I have now had the opportunity to visit the site following our meeting on 6<sup>th</sup> July 2011. I will not deal with your complaint about how this case has been handled in this correspondence as this will be subject to a reply under separate cover through the Council's Corporate Complaints Procedure. Here I will only deal with the planning and highway merits of what has been built on site.

I appreciate that you have experienced some difficulties in attempting to deal with the situation but the following views are based upon the planning merits of what exists on site when compared with the approved details. I have made some suggestions in terms how you could consider regularising the situation.

It is not possible for us to discharge condition number 10 of application reference 09/00367/FUL under the application 11/02513/COND. This is because the work that has taken place on site is, as a matter of fact, different, from that shown on the approved plans. The approved plans indicate two wooden gates to form the access with a relatively wide section of wall between the wooden gates and the footpath along side the electricity substation.

There are two issue to consider here. Whether the development, as it has been built on site, is acceptable in highway safety and appearance terms; and what to do in relation to the application to discharge the condition that is with us.

My view is that it would not be safe to drive a vehicle over the shrubbery. You say you do not want to do this but the wooden gates as built would allow this to happen if opened, although in my view the steepness of the camber from the parking space to the footpath would make it difficult to cross the footway without damaging the front of any car. I do not think it would be possible for any emergency vehicle to drive through the parking space onto the Shrubbery and have been advised

that the fire service would not attempt to drive a vehicle through the parking space but would approach the house on foot. There is no justification (and no additional risk to your wellbeing as a result) for any vehicular access through the parking space.

The loose surface used for the surface of the parking space is unacceptable and contravenes the requirements of condition 10 of permission 09/00367/FUL. The surface needs to be of a bound material. You will need to ensure that water does not run off the site onto the public footpath where it would create a nuisance and hazard, especially in freezing weather.

The appearance of the wooden doors as built is acceptable (I will comment on the stone used below).

I suggest that you withdraw the current application (11/02513/COND) and resubmit an application to vary condition 10 of permission 09/00367/FUL. You should seek to vary the condition to allow the retention of the three wooden gates. You were unhappy with my suggestion to place a bollard in front of the parking space to preclude vehicular access across The Shrubbery, when we spoke on Tuesday, unless you also had a key. As I explained this would preclude the point of locking the bollard as any occupier of the house could remove it at will and therefore drive across The Shrubbery. I therefore suggest that you indicate on the revised plans that the two wooden gates to the left of the pedestrian gate (when viewed from The Shrubbery) are revised to make them a non opening wooden fence panel. There is no safe way to drive across the footpath because of potential danger to pedestrians, potential damage to any car and because the emergency services would not be able to drive through the parking space in any case.

I can see no reason why you would not consider revisions in light of your clear statement that you do not wish to drive over the footpath. This measure would also preclude any future occupier from attempting to drive across the path.

You need to ensure that the correct surface is used for the parking space and ensure that water does not drain onto the footway.

I would be grateful if you would confirm your views in relation to these suggestions within 21 days of the date of this letter.

Turning to the stone that has been used for the house and boundary wall.

As a matter of fact, the stone that has been used does not match the stone that formed the sample panel that was viewed on site prior to the relevant condition being discharged. We have a photographic record of this sample panel and any reasonable person would, in my view, agree that the stone that has actually been used is far more orange than the approved sample.

So we need now to consider whether the alternative stone is acceptable in terms of the location of the site within the World Heritage Site, Conservation Area and in close proximity to several listed buildings.

In my view it is not. The colour jars with the natural Bath stone surrounding the site and is harmful to the character and appearance of this part of the Conservation Area and World Heritage Site. I do not believe that it will fade to Bath stone shades as you suggest. It is necessary for the Local

Planning Authority to consider whether it would be expedient to take enforcement action in relation to such a breach. In my opinion, since there are no clear public views of the house and because of the specific design which incorporates large glazed sections and single storey elements, I do not think it would be expedient to seek the replacement of the stone on the house. However, if this matter is considered by the Development Control Committee the Members may reach a different conclusion.

I do not have the same view in relation to the boundary wall which runs, for some length, along a busy public footpath.

My suggestion is that you consider discussing further with us how the prominence of the orange stone can be reduced in order to ensure an appropriate match with the surrounding stone.

In this regard, I invite you to submit some informal proposals to us for further consideration. You may wish to obtain some planning advice from a heritage expert in this regard.

Please confirm whether this would be your intention within 21 days of the date of this letter.

If you do not wish to consider my suggestions, I will prepare a report for the Council's Development Control Committee to address not only the concerns regarding the stone but also the parking space. The report will include any comments that you may wish to submit to the Planning Authority although we will only be able to consider material planning comments and not concerns raised in relation to how you consider the case has been dealt with. In the event that such a report is necessary you will also have the opportunity to attend the relevant committee meeting and make a statement to Members before they debate the issues.

I very much hope that this will not be necessary as I believe that with some amendments you should be able to regularise the scheme which will satisfy concerns relating the harm being caused in relation to the detrimental impact upon highway safety and the character and appearance of the Conservation Area, World Heritage Site and nearby listed buildings

Please respond to Victor Oyewole, Senior Enforcement Officer at this office by 4th August 2011.

Yours sincerely

Lisa Bartlett  
Development Manager

Cc Victor Oyewole

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<b>Bath &amp; North East Somerset Council</b>		
<b>MEETING:</b>	<b>Development Control Committee</b>	<div>AGENDA ITEM NUMBER</div> <div></div>
<b>MEETING DATE:</b>	<b>26 October 2011</b>	
<b>RESPONSIBLE OFFICER:</b>	Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281)	
<b>TITLE:</b>	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>	
<b>WARD:</b>	ALL	
<b>BACKGROUND PAPERS:</b>	None	
<b>AN OPEN PUBLIC ITEM</b>		

#### APPEALS LODGED

**App. Ref:** 11/02734/FUL  
**Location:** The Jays 19 Meadway Temple Cloud Bristol  
**Proposal:** Erection of a dwelling.  
**Decision:** REFUSE  
**Decision Date:** 26 August 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 7 September 2011

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**App. Ref:** 11/02075/FUL  
**Location:** 5 Church Square Midsomer Norton Radstock BA3 2HX  
**Proposal:** Erection of a utility room with balcony over and a front porch with lead canopy and removal of all cement render, repair of stonework with matching local stone and repointing with lime mortar.  
**Decision:** REFUSE  
**Decision Date:** 1 July 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 13 September 2011

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**App. Ref:** 11/02077/LBA  
**Location:** 5 Church Square Midsomer Norton Radstock BA3 2HX  
**Proposal:** External alterations for the erection of a utility room with balcony over and a front porch with lead canopy and removal of all cement render, repair of stonework with matching local stone and repointing with lime mortar.  
**Decision:** REFUSE  
**Decision Date:** 1 July 2011

**Decision Level:** Delegated  
**Appeal Lodged:** 13 September 2011

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**App. Ref:** 11/01660/FUL  
**Location:** Woodville Guest House 4 Marlborough Lane Kingsmead Bath  
**Proposal:** Provision of off road parking in front of dwelling, enlargement of rear dormer, rear kitchen window, kitchen door and roof lantern and erection of a single storey rear extension  
**Decision:** REFUSE  
**Decision Date:** 24 June 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 September 2011

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**App. Ref:** 11/01925/FUL  
**Location:** Stonecroft Keel's Hill Peasedown St. John Bath  
**Proposal:** Erection of a barn/granny annexe following demolition of existing cattery buildings (Revised proposal)  
**Decision:** PERMIT  
**Decision Date:** 16 June 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 September 2011

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**App. Ref:** 11/01318/LBA  
**Location:** 27 Milsom Place City Centre Bath BA1 1BZ  
**Proposal:** Proposed alterations including replacement of all existing external signage and provision of new external lighting, menu boxes, retractable awnings and umbrella and internal alterations.  
**Decision:** REFUSE  
**Decision Date:** 6 July 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 22 September 2011

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**App. Ref:** 11/00811/FUL  
**Location:** Parcel 4645 Access Road To Quarry Upper Weston Bath  
**Proposal:** Installation of new telecommunications base station incorporating a 12.3m high lightweight & slim-line lattice mast with cabinets at ground level enclosed by a closed boarded fence and three rows of planting to it's perimeter at Council land, adjacent Primrose Hill Reservoir, track off Weston Park West, Weston, Bath, BA1 4BB  
**Decision:** REFUSE  
**Decision Date:** 31 May 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 26 September 2011

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**App. Ref:** 11/01939/FUL  
**Location:** Church View Packhorse Lane South Stoke Bath BA2 7DW  
**Proposal:** Excavation to form parking area, rebuilding wall and recladding garage.  
**Decision:** REFUSE  
**Decision Date:** 29 June 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 26 September 2011

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**App. Ref:** 11/02498/LBA  
**Location:** 4 Brookleaze Buildings Larkhall Bath JBA1 6RA  
**Proposal:** Internal and external alterations to raise height of existing rear lean-to, erection of rear glazed extension, formation of openings in kitchen wall, provision of new bathroom to first floor, provision of new windows into existing or enlarged openings and cleaning front elevation to property  
**Decision:** REFUSE  
**Decision Date:** 17 August 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 28 September 2011

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**App. Ref:** 11/01144/OUT  
**Location:** 62 High Street Twerton Bath Bath And North East Somerset BA2 1DD  
**Proposal:** Erection of 1no dwelling following demolition of existing garage at land rear of 62 High Street, Twerton  
**Decision:** REFUSE  
**Decision Date:** 7 July 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 30 September 2011

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**App. Ref:** 11/02546/FUL  
**Location:** 1 Hayes Place Holloway Widcombe Bath BA2 4QW  
**Proposal:** Removal of part wall and external staircase and formation of a parking space at 1A Hayes place  
**Decision:** REFUSE  
**Decision Date:** 25 August 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 3 October 2011

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**App. Ref:** 11/02681/FUL  
**Location:** 1 Hayes Place Holloway Widcombe Bath BA2 4QW  
**Proposal:** Change of use of first floor from storage use to office  
**Decision:** REFUSE  
**Decision Date:** 17 August 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 3 October 2011

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**App. Ref:** 11/03382/FUL  
**Location:** 7 Uplands Road Saltford Bristol BS31 3JQ  
**Proposal:** Erection of two storey front extension, roof extension and front dormer (Revised resubmission).  
**Decision:** REFUSE  
**Decision Date:** 22 September 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 4 October 2011

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**App. Ref:** 11/02109/FUL  
**Location:** 70 Russet Way Peasedown St. John Bath BA2 8SX  
**Proposal:** Erection of a self-contained 3 bedroom dwellinghouse.  
**Decision:** REFUSE  
**Decision Date:** 10 August 2011  
**Decision Level:** Chair Referral  
**Appeal Lodged:** 5 October 2011

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**App. Ref:** 11/02095/AR  
**Location:** Knights Estate Agents, 2 Northumberland Buildings, Bath, BA1 2JB  
**Proposal:** Display of 1no. cut-out letter sign, 1no. swing sign and 1no. brass plaque.  
**Decision:** SPLIT  
**Decision Date:** 2 August 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 6 October 2011

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**App. Ref:** 11/01941/FUL  
**Location:** Rowan House High Street Freshford Bath  
**Proposal:** Provision of waste pipe to external wall  
**Decision:** REFUSE  
**Decision Date:** 15 September 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 7 October 2011

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**App. Ref:** 11/01942/LBA  
**Location:** Rowan House High Street Freshford Bath  
**Proposal:** Internal and external alterations for the provision of new waste pipe  
**Decision:** REFUSE  
**Decision Date:** 15 September 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 7 October 2011

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## **APPEAL DECISIONS**

**App. Ref:** APP/F0114/A/11/2150139

**Location:** Springhill House, White Ox Mead, Peasedown

**Proposal:** Erection of a stable block following removal of existing stable block.

**Decision:** Refused

**Decision Date:** 02/02/11

**Decision Level:** Delegated

**Appeal Decision:** Dismissed

### **Summary:**

The Inspector considered that the main issues were (1) whether the proposal constitutes inappropriate development in the Green Belt, (2) its effect on the openness of the Green Belt and on the character and appearance of the area, and (3) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

It was considered that whilst the proposed stable block would replace an existing one, the proposal would not amount to a small stable in the context of the advice in PPG2, as the replacement, comprising three stables, a tack room and two storerooms, would be a substantially larger building than the existing, particularly in terms of its length and the additional bulk of the storerooms on either end.

It was accepted by the Inspector that it may be desirable for the appellants to have a stable each for three of their horses on the site, and that under certain circumstances it may be essential for welfare reasons. However, the inclusion of space for the indoor storage of feed and hay would result in a building considerably larger than that required solely for stabling. The Inspector was not persuaded that it is essential for the keeping of the appellants' horses on their land for this storage element to be in the building.

Therefore the Inspector concluded that the proposed stable block would erode the openness of the Green Belt, by reason not only of its floor area, but also its overall bulk. Although it would be screened from views from the north it would be visible from the south and east from the road. It would appear more prominent because of its siting at an angle in relation to the boundary hedge and its greater proximity to the road compared with the existing. The effect of the proposal on openness would cause additional harm to the Green Belt.

The arguments presented about the condition of the stables and the advice from the British Horse Society did not sufficiently and clearly outweigh the harm identified so as to amount to a very special circumstances case.

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**App. Ref:** APP/F0114/D/11/2157075

**Location:** 20 Walden Road, Keynsham, Bristol, BS31 1QW

**Proposal:** Erection of a single storey front extension.

**Decision:** Refused

**Decision Date:** 10th June 2011

**Decision Level:** Delegated

**Appeal Decision:** Allowed

**Summary:**

The Inspector considered that the main issue is the effect of the proposed development on the character and appearance of the host dwelling and surrounding area.

He noted that the host building was set within a modern development, along a street with a staggered street pattern and that whilst front extensions of the kind proposed are not in evidence on the immediately adjoining properties, front protrusions, forming part of the original design, are not uncommon.

Regard was had to the negotiations with Council Planning Officer's to reach this design and the Inspector agreed that the shallow hipped roof would be visually preferable to the arrangement originally proposed. He considered that, in view of its design, modest size and proportions, the extension would have a limited and not unacceptable effect on the appearance of the host dwelling.

Finally it was considered that due to the staggered nature of the respective properties along this part of the street's frontage, the protrusion on No 18 would effectively screen the proposal from most oblique viewpoints from the north. Viewed from the south, the extension would be set unobtrusively against No 18 Walden Road's southern side wall, and the decorative tree in the appeal property's front garden would provide effective additional screening for much of the year.

He concluded that since the depth of the extension would be relatively restricted, the perception of space between the dwelling and the street would be substantially maintained. For these reasons, the extension would not in his opinion be prominent, in view of the acceptability of its design, the extension would not prove visually harmful.

In addition he considered the concerns raised over the setting of a precedent for future development. He stated that precedent, in itself, which is of some local concern, is rarely an appropriate reason to refuse planning permission, particularly, as found, the proposal is acceptable on its merits.

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<b>App. Ref:</b>	11/00672/FUL
<b>Location:</b>	25 Sunnymead, Midsomer Norton, BA3 2TA
<b>Proposal:</b>	Erection of a new dwelling
<b>Decision:</b>	REFUSE
<b>Decision Date:</b>	9th April 2011
<b>Decision Level:</b>	Delegated
<b>Appeal Decision:</b>	<b>Dismissed</b>

**Summary:**

The appellant applied for the erection of a new dwelling to the rear of 25 Sunnymead (11/00672/FUL). The application was refused as the siting of the proposed dwelling would result in unsatisfactory living accommodation for prospective occupiers due to overshadowing from the vegetation to the rear, loss of privacy to the occupiers of the existing dwelling and the design and siting of the dwelling failed to reflect the existing pattern of development.

The Inspector noted that the trees to the rear of the site are outside the control of the appellant and exert a significant impact on the bottom of the garden in terms of its overshadowing. Due to the size and location of the amenity space, it would be case in shadow for most of the day and in qualitative terms would be unsuitable. He also stated that tandem development is absent

from the surrounding area which has a spacious and well-designed layout. As a result of the proposal, the site would display clear signs of overdevelopment and sense of spacious damaged, which would harm local visual amenity. He concluded that with appropriate screening it would be possible to mitigate the loss of privacy to the occupiers of the existing dwelling.

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**App. Ref:** 10/03517/FUL  
**Location:** 6 Grosvenor Place, Lambridge, Bath  
**Proposal:** Erection of a studio dwelling following demolition of existing storage building on land to rear of 6 Grosvenor Place.  
**Decision:** REFUSE  
**Decision Date:** 25th February 2011  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

**Summary:**

The appellant applied for the erection of a studio dwelling to the rear of 6 Grosvenor Place (10/03517/FUL). The application was refused as the siting and design would result in limited outlook to future occupiers, the size and siting would alter the character of the garden of 6 Grosvenor Place, which would have an adverse setting on the listed buildings and this part of the Conservation Area and the lack of private parking provision would be likely to lead to on street parking.

The Inspector noted that the existing façade is a prominent and attractive feature of the street scene and the proposed building would look like an oversized shed. Whilst it was noted that the façade is important the introduction of a utilitarian house would be out of place. When the site is cleared and the garden created it would clearly be a residential intrusion into what appears to be part of the rear gardens of the terrace, and this would harm the setting of the listed terrace and the character and appearance of the surrounding Conservation Area.

He considered the use of rooflights and large French doors, together with the open plan nature of the proposed dwelling would not lead to a poor outlook or lack of natural light sufficient to harm the amenities of occupiers. He considered off-street parking should be provided but as one could be provided close by this would overcome this reason for refusal.

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