

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **26th September 2012**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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

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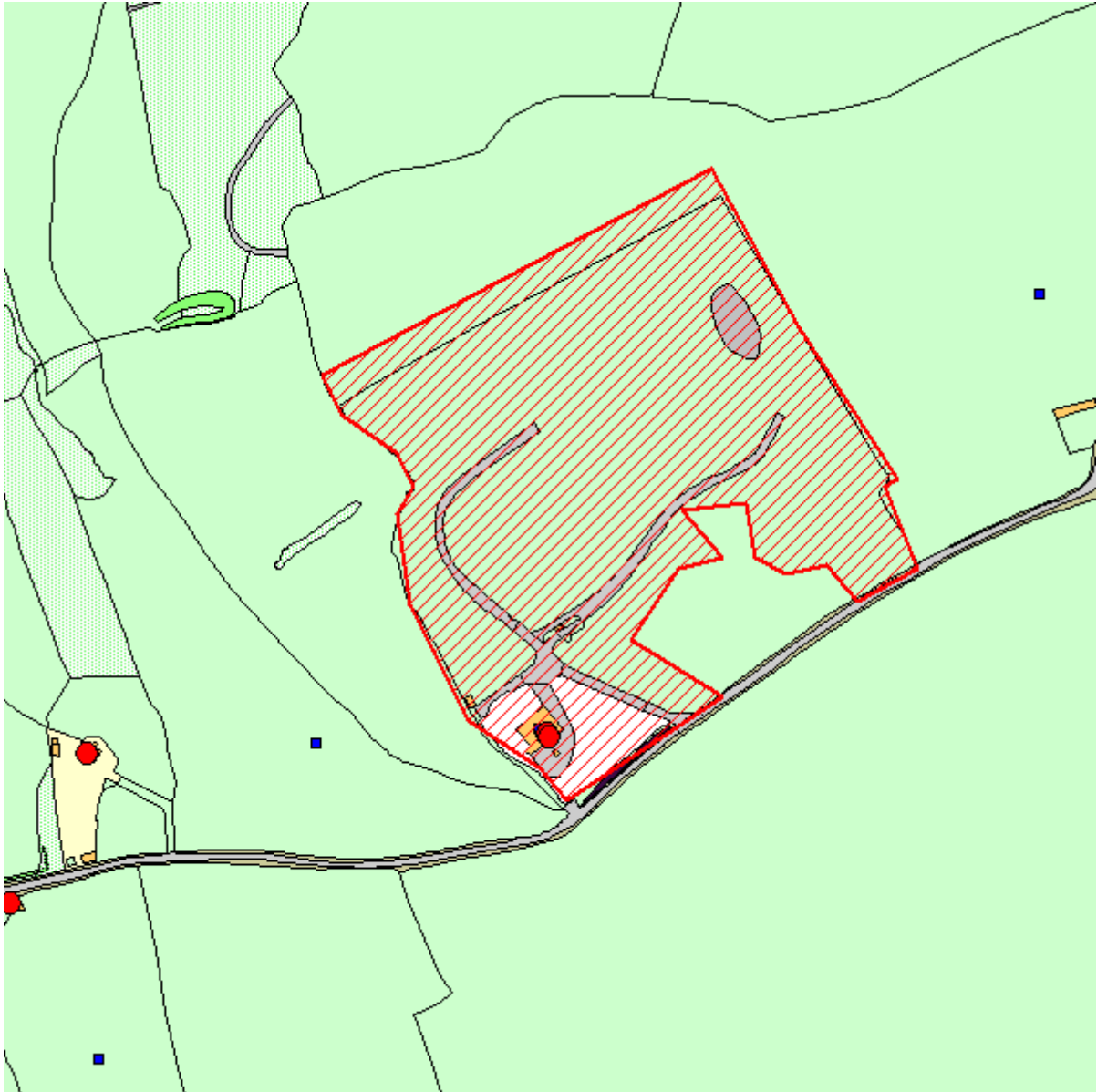
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	10/05199/EFUL 2 May 2011	Mr Larry Edmunds Stowey Quarry, Stowey Road, Stowey, Bristol, Bath And North East Somerset Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) including asbestos and inert wastes and that the application is accompanied by an environmental statement	Chew Valley South	Chris Herbert	REFUSE
02	12/02141/EFUL 24 August 2012	Carolyn Puddicombe Street Record, Bath Spa University Campus, Newton St. Loe, Bath, Bath And North East Somerset Erection 9 no. 3 storey (third floor in the roof) student residential blocks to provide 561 bedspaces to the southern end of the campus; the erection of an energy centre and single storey Estates and Services facilities buildings, the creation of external spaces for the storage of materials and vehicles and for the storage and processing of refuse and recycling, and the relocation of Newton Annexe providing offices and storage for the Estates Team to the south of the Walled Garden; associated access, parking, external lighting, drainage, infrastructure and hard/soft landscaping works. Demolition of farm buildings to the south of Melancholy Wood; lean-to buildings to the north of the Walled Garden; Newton; Corston; and the former Vice-Chancellor's Lodge. Creation of temporary car parking areas during construction. (Phase 2 of University Campus Masterplan)	Bathavon West	Gwilym Jones	PERMIT

03	12/02142/LBA 29 June 2012	Carolyn Puddicombe Street Record, Bath Spa University Campus, Newton St. Loe, Bath, Bath And North East Somerset Creation of new openings to the Walled Garden at the southern end of the Newton Park Campus; demolition of the adjoining lean-to buildings to the north of the Walled Garden (excluding the Boiler House); external and internal alterations to the western end of the Bothy extension within the Walled Garden to create new changing rooms and the erection of gate within the open passage to the eastern end of the Bothy. External and internal alterations to provide a new laundry in Sophia and internal alterations to improve the existing changing rooms in the Boiler House. Creation of small new opening at the base of the northern wall to the Italian Garden (Grade II* Listed) to provide access for Great Crested Newts.	Bathavon West	Caroline Waldron	CONSENT
04	12/01882/OUT 30 July 2012	Somer Community Housing Trust Parcel 0006, Maynard Terrace, Clutton, Bristol, Bath And North East Somerset Erection of 36no. dwellings and associated works (revised resubmission)	Clutton	Richard Stott	Defer
05	12/02626/FUL 4 October 2012	University Of Bath University Of Bath, University Of Bath Campus, Claverton Down, Bath, Bath And North East Somerset Construction of new academic building to provide general teaching accommodation	Bathwick	Geoff Webber	Delegate to PERMIT
06	12/02203/FUL 6 August 2012	Mr A Hudson Automate Bath Limited, Gloucester Road, Swainswick, Bath, Bath And North East Somerset Erection of a single dwelling, including domestic garage and front boundary wall for the adjacent dwelling (Greenacres) and alteration of existing vehicular access following demolition of existing buildings.	Bathavon North	Andrew Strange	REFUSE
07	12/02548/REG04 27 September 2012	Bath And North East Somerset Council St Gregory's Catholic College, Combe Hay Lane, Odd Down, Bath, Bath And North East Somerset Erection of a sixth form building linked to St Gregory's Catholic College with associated highway works and landscaping at Combe Hay Lane.	Odd Down	Sarah James	PERMIT

08	12/01454/FUL 27 July 2012	Elan Homes Ltd Towerhurst, Wells Road, Westfield, Radstock, Bath And North East Somerset Erection of 11 dwellings with garages/parking, landscaping, screening and associated works and erection of 2 detached garages for the existing dwellings.	Westfield	Mike Muston	Delegate to PERMIT
09	12/02970/FUL 3 September 2012	Mr Graham Bradley 41 Elliston Drive, Southdown, Bath, Bath And North East Somerset, BA2 1LU Erection of dormer window	Southdown	Andy Pegler	REFUSE
10	12/02743/FUL 20 August 2012	Mr & Mrs Giles Barnes Ivy Cottage, Rectory Lane, Compton Martin, Bristol, Bath And North East Somerset Erection of a two storey extension (Resubmission)	Chew Valley South	Richard Stott	PERMIT
11	12/03184/REG03 3 October 2012	BANES Council, Tourism Leisure And Culture Street Record, Stall Street, City Centre, Bath, Bath And North East Somerset Extension of temporary permission for statue at Stall Street/New Orchard Street from 1 November 2012 to 30 April 2013	Abbey	Richard Stott	PERMIT

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

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



Ward: Chew Valley South

Parish: Stowey Sutton

LB Grade: N/A

Ward Members: Councillor V L Pritchard

Application Type: Full Application with an EIA attached

Proposal: Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) including asbestos and inert wastes and that the application is accompanied by an environmental statement

Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Existing Mineral Working, Forest of Avon, Mineral Consultation, Water Source Areas,
Applicant:	Mr Larry Edmunds
Expiry Date:	2nd May 2011
Case Officer:	Chris Herbert

REPORT

Introduction

Members will recall that planning permission was granted for a stable non-reactive hazardous waste landfill at Stowey in August 2011. This permission was subsequently quashed in the High Court because of a failure to advertise it in accordance with the EIA Regulations. The application has now been advertised in accordance with the regulations and the consultations completed so it has come back to committee for re-determination

Details of Location and Proposal and Relevant History:

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

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

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

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

It is proposed to import up to 150,000 tonnes a year of waste over a ten year period. However the maximum void of the quarry is estimated at 430,000m³ which, based on a conversion factor of 1.5 tonnes to a m³, would require approximately 645,000 tonnes of material to infill the quarry. Therefore if the maximum infill rate of 150,000 tonnes a year were to be achieved the restoration would be completed in less than 10 years. Based on a 10 year life the site would receive an average of approximately 64,500 tonnes a year. A conversion factor of 2 tonnes to a m³ would increase this to approximately 86,000 tonnes a year. It is therefore likely that actual tonnages into the landfill will be well below 100,000 tonnes a year over the proposed 10 year life or that the life will be shorter. It is estimated by the applicant that the proportion of inert waste to SNRHW will be approximately 8 to 1, which amounts to an approximate split of 573,333 tonnes of inert waste to 71,666 tonnes of SNRHW. Over a 10 year life this gives average inputs of 57,333 tonnes of inert waste and 7,166 tonnes of SNRHW a year.

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

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

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

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

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

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

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

The site would be restored to nature conservation/agricultural after use with access to a retained geological face in the north east corner of the site. Restoration contours would

link into the part of the site previously tipped to a height of approximately 165m AOD and would slope down from 164m AOD to 154m AOD from south to north. Existing boundary vegetation would be retained and new planting is proposed together with a wetland area/pond.

The site is a long established quarry with planning permission first being granted in the 1950s but recently there has only been limited or no activity on the site. Planning permission (07/02328/var) was granted in 2008 to extend mineral extraction until November 2012 but it is understood that no extraction has been undertaken pursuant to it. At the same time a second permission (07/02326/minw) was granted for an inert recycling facility and restoration of the quarry using inert materials by November 2028. Limited operations in respect of creating an area of hardstanding and the formation of a proposed screening bund have been carried out but no recycling has occurred. Both these permissions are subject to the same conditions which require restoration of the site by November 2028, the creation of a bund along the western boundary of the site, a limit of 50 lorries (100 movements) a day, a tonnage limit of 125,000 tpa and no extraction below 150m AOD.

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: No objections subject to conditions and financial contribution towards signage and weight restriction.

ENVIRONMENTAL PROTECTION: I have considered the representations in respect of the noise assessment submitted by the applicants and acknowledge the apparent anomaly in the assessment of background noise. Given that consent has been issued previously which contains a limit of 46dBA, noise could be emitted from the site at present at this level with no breach of planning control and the same applies with respect to the comments made on vehicle noise. I have no further comment to make on these aspects of the application.

ENVIRONMENTAL PROTECTION (Contaminated Land): As the development will be operated under an Environmental Permit issued by the Environment Agency, I therefore trust that the EA have been consulted to provide their opinion on the application and the reports submitted including the Conceptual Site Model and its recommendations, and place conditions where necessary.

LANDSCAPE: Comments the same as previously. The principle of the proposed restoration landform is considered acceptable but a more detailed landscape plan is required, so a detailed Landscape Management Plan should be submitted providing details of the proposed planting, wetland area, geological exposure and restoration afteruse details.

ECOLOGY: Object, The Environment Agency concerns need to be addressed in order to demonstrate there would be no harm to ecology and to Chew Valley Lake SPA and there is a population of white clawed crayfish very close to the site so the assessment of

impacts on water quality must include an assessment of impacts on this species to demonstrate they would not be harmed.

NATURAL ENGLAND: No objection. Satisfied that the birds on Chew Valley Lake SPA will not be disturbed by the proposals. It is for the Council to satisfy themselves that there will be no adverse impacts on water quality before granting planning permission. Natural England does not have detailed information on hydrology and we defer to the comments of the Environment Agency who we note have submitted an objection based on lack of information.

ENVIRONMENT AGENCY: Holding Objection. Three principal issues govern the risk the site poses to ground and surface water. These are leachate generation potential, the amount of unsaturated ground below the floor of the quarry and the proximity to water interests and how the site complies with the EA landfill location policy. In order to be satisfied on these matters the EA require the following additional information:

Additional assessment work to clarify the geological strata underlying the quarry and the location and depth of limestone units;

Further boreholes are required outside the quarry void to characterise the geology and groundwater monitoring, these will also be required to comply with subsequent landfill permit groundwater monitoring;

Long term monitoring of on site boreholes is required to characterise on site conditions, the period of monitoring would include both low and high recharge for a minimum of one year;

Surface water feature survey should be repeated a number of times during wet conditions to assess and confirm outfalls of limestone groundwater; and

A quantified assessment to demonstrate the acceptability of the site in relation to the Agency's landfill location policy supported by site specific data demonstrating the surface and groundwater conditions present.

BRISTOL WATER: On the basis of the evidence put forward by the applicant, we object to the proposals to develop the quarry void as a landfill site. We consider that the applicant has not fully comprehended the link between shallow ground water in the strata in which the quarry sits and the surface waters that supply the reservoir. We do not have confidence that the conceptual model represents the true situation as no survey or quantitative data has been presented in support of the model. We believe that the application is based on an inaccurate depiction of the hydrogeology. A landfill constructed as proposed by the applicant would result in an engineered liner being the only barrier between the leachate in the cells of the landfill and shallow groundwater contributing to reservoir inflows. We consider this is both a situation that may not comply with required design standards and is an unacceptable long term risk to a major public water supply. In the light of the possibility of further evidence being presented, we reserve the right to modify or strengthen our view.

CLUTTON PARISH COUNCIL: The whole principle of a landfill which would release infinitesimal amounts of asbestos on top of a hill directly above and adjacent to the main drinking water supply for all Chew Valley and most of Bristol is both inappropriate and irresponsible. It will also import hundreds of thousands of tonnes of waste from all over the West Country and further afield via large lorries travelling down small lanes and minor A roads, which only adds to the unsuitableness.

This application must be stopped forever irrespective of whether it is for asbestos or other waste materials, the risks are simply too great.

STOWEY SUTTON PARISH COUNCIL: Objects as follows:

- Risk of contamination of water courses;
- Limited ongoing monitoring;
- No need for this facility;
- Quarry was not identified in the Waste Core Strategy;
- Strong local objection;
- Concerns about the effect such a facility will have on tourism in the area.

HINTON BLEWETT PARISH COUNCIL: Object as follows:

- Curent bunding contravenes planning permission and traffic movements would have a significant impact on character and appearance of the area;
- Asbestos would not degrade and at some point the liner would degrade allowing hazardous materials to leach out;
- A drainage system to soakway on a hill top is irresponsible and uncontrolled;
- There is no mains water at the site for dust suppression;
- The use of a hill top location for landfilling any hazardous materials is an unacceptable risk. The risk to future generations is not acceptable;
- If permitted the landfilling of raw asbestos should be excluded;
- The local highway infrastructure is entirely unsuitable.

CHEW MAGNA PARISH COUNCIL: Oppose scheme because of potential serious impact on water from springs which feed Chew Valley lake, air pollution and traffic impacts.

CHEW STOKE PARISH COUNCIL: Object on the following grounds:

- Traffic;
- Long term harmful consequences of dumping hazardous waste above a major reservoir;
- Asbestos will be imported from large areas of the UK contrary to the Council's localism policy on waste disposal.

FARINGTON GURNEY PARISH COUNCIL: Object because of potential contamination of water supplies and traffic.

WEST HARPTREE PARISH COUNCIL: Object for the following reasons:

- Possible contamination of drinking water in Chew Valley Lake;
- Huge increase in lorry movements;
- Noise and dust pollution.

CAMELEY PARISH COUNCIL: Object because the site is on an unstable hillside above springs that lead to Chew Valley Reservoir; the consequences of an escape of asbestos would be extremely serious; and the risk of asbestos fibres escaping in to the air and the level of traffic proposed.

BLAGDON PARISH COUNCIL: Object on the following grounds:

- Quarry on an unstable hillside;
- Liner will not provide long term protection and could be damaged by landslip;
- Escape of asbestos would be disastrous;

There is a risk that other unauthorised wastes will be disposed of;
No need for such a facility;
Risk of particulates on health;
Noise and dust impacts.

AVON WILDLIFE TRUST: Object on the grounds of potential risk to their Folly Farm business which is a successful residential environmental learning and conference centre as there is considered to be safe levels for asbestos emissions.

In respect of the ecological information provided it is considered that the site could have potential to hold a reptile population and this would require surveying and possible mitigation if permission were granted.

MENDIP HILLS AONB UNIT: Council need to take into account any adverse impacts on the landscape setting of the AONB from the proposed development including important views, traffic, noise, dust and impacts on tranquility and dark skies through increased light pollution.

BATH AND NORTH EAST SOMERET LOCAL INVOLVEMENT NETWORK: Object, the location is not appropriate for toxic waste, including asbestos, as it is too close to Chew Valley reservoir and the water courses that feed it. Can the Council guarantee no contamination of local water supplies, local farmland and that there will never be any risk to local people. Who will monitor and pay for this. Increase in traffic and noise.

CHEW VALLEY CHAMBER OF COMMERCE: Object as the proposal will have a negative impact on business in Chew Valley.

REPRESENTATIONS: At the time of writing this report 1,140 individual letters of objection had been received on this application, together with pro forma letters and petitions totalling over 2000 signatures.

The main areas of objection relate to:

- Impacts on health from asbestos;
- Pollution of Chew Valley Lake;
- The stability of the hillside on which the quarry is located;
- There is no need for the facility and it is not allocated in the Waste Core Strategy;
- The unsuitability of the local highway network for the level of traffic proposed;
- Noise and dust impacts;
- Impacts on local wildlife;
- Impacts on tourism and local businesses; and
- The risk of other unauthorised materials being deposited and the track record/experience of the current operator.

In addition the Stowey Action Group has made detailed submissions on hydrogeology/water interests, stability, need, traffic, wildlife, noise, lighting, air quality, impact on local businesses, restoration, fracking and coal mining and the track record of the operator.

POLICIES/LEGISLATION

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF confirms that it does not contain specific policies on waste but advises that local authorities should have regard to it so far as it is relevant. Key policies considered relevant to this application include the need to prevent development from contributing to or putting at unacceptable risk from water pollution and the need to prevent unacceptable risks of pollution and instability by ensuring that development is appropriate to its location.

WEST OF ENGLAND JOINT WASTE CORE STRATEGY 2011

Policies 8, 9, 11 and 12 on Landfill, Planning Designations and General Considerations

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

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

OFFICER ASSESSMENT

INTRODUCTION: The key change in circumstances from when members last considered this application is that previously the Environment Agency (EA) had no objections, whereas now they have a holding objection and are seeking further information as set out in their consultation response, see above. As this information is likely to take up to 12 months to obtain the applicant has been invited to withdraw the application in order to allow time to gather the information requested by the EA. However the applicant has chosen not to withdraw the application and therefore the application will be determined on the basis of the information currently available and the EA comments on it as they currently stand.

The main reason for the change of position of the EA, as stated in their letter of the 20 April 2012, is that it was previously understood that the wastes intended to be landfilled at the site were only asbestos and inert fill. If stable non-reactive hazardous waste other than asbestos is proposed to be landfilled there is presently insufficient information to confirm the acceptability of the site in accordance with the Environment Agency's landfill location policy. Therefore the possibility of the site receiving other types of stable non-reactive waste was not originally considered by the EA. When that is considered new issues arise which are not adequately addressed in the information provided.

The applicant's position is that the current application is no different from the one previously considered by the EA, which was clearly described as a stable non-reactive hazardous waste landfill, and that the information they are now seeking at the planning stage would be more properly provided as part of the Hydrogeological Risk Assessment required at the permitting stage. They do not therefore consider that the EA has provided sufficient justification for their change in position. They further consider that the EA landfill location policy is not applicable to the proposed site and that all necessary detailed assessment of potential risk to controlled water should be undertaken as part of the permitting process.

In respect of what is relevant to be considered at the planning stage and what matters can be left to the permitting regime by way of summary and just to allow members to

understand the different roles, the planning system is there to consider whether this is an appropriate location for the proposed landfill and the permitting system is there to ensure that it is built and operated in a safe manner. Members must assume that the permitting regime will be properly applied and enforced.

In addition to the revised EA position, consultants advising the Stowey Action Group have made a number of technical objections on water, stability and noise.

NEED: In respect of representations made during the preparation of The West of England Joint Waste Core Strategy (JWCS) for the allocation of Stowey as a landfill, it should be noted that it was not the purpose of the JWCS to allocate sites for landfill, instead its principal purpose was to allocate sites for the treatment of residual waste. It is noted that ERM, consultants engaged by the West of England Partnership to prepare the JWCS, discounted the Stowey representation because of their views on the access to the site but this was done without consultation with the Highway Authority or apparent regard to the existing planning permissions that have been granted at the site. In any event the JWCS is now adopted and it is the policies in that document that must now be followed in the determination of this planning application.

The JWCS recognises that there are no hazardous waste landfill facilities in the West of England and goes on to state that there is no identified strategic need for new hazardous waste landfill capacity within the plan area. However the Inspector in his report advised that the on-going availability of facilities outside of the West of England cannot be relied upon and in any event, in order to meet the needs of the West of England, provision needs to be made within the plan area. That is why the relevant paragraph (6.10.10) in the JWCS goes on to advise that policies 8 and 9 provide the relevant framework to enable the sub region to meet its own needs. As the West of England is considered to be a significant generator of this waste stream the provision of such a facility within this area would therefore contribute to a reduction in the waste miles this waste has to travel and would be considered to be the nearest appropriate facility in accordance with waste management policy. In respect of inert waste, which would be the more significant waste input in to the landfill by a factor of 8 to 1, the JWCS (6.10.9) identifies that inert disposal capacity is all but exhausted within the sub region but that there a number of quarries that will require such waste to secure their restoration. Stowey is considered to be such a quarry and the currently approved restoration scheme for the site relies on the use of imported inert material.

Given the lack of disposal facilities within the West of England there is therefore considered to be a need for this type of facility to meet the needs of the sub region but that such applications need to be considered against policies 8 and 9 of the JWCS, as explained in the supporting text to the Plan.

GROUNDWATER: Policy NE13 deals with the protection of groundwater and development within source protection areas will need to demonstrate that it will not have an adverse impact. Policy 8 of the JWCS indicates that landfills should not be located within major aquifers/source protection zones unless it can be demonstrated that relevant legislative requirements can be met. Policy 12 of the JWCS requires that applications demonstrate that impacts will not have a significant adverse impact on the contamination of groundwater and surface water.

Bristol Water continues to object to the proposed development because of the proximity of the site to Chew Valley, which is a public water supply and the lack of information contained within the application. A review of the hydrogeological information has also been carried out by consultants acting on behalf of the Stowey Action group which concludes that the information submitted with the application does not present an accurate picture of the ground conditions and the risk the proposed development therefore poses to water interests in the area

In their latest response the Environment Agency (EA) identify their areas of concern as follows: the potential for leachate generation, the extent of the unsaturated zone beneath the quarry floor and the proximity to water interests – Chew Valley reservoir. They go on to identify the additional information they require to be satisfied that this form of landfill can be appropriately located here: additional assessment work to clarify the geological strata underlying the quarry floor, the need for further boreholes outside of the quarry void to characterise the geology and groundwater monitoring; long term monitoring of the existing on site boreholes to characterise site conditions and survey of surface water observations to be repeated during wet conditions to assess and confirm outfalls of limestone groundwater.

As previously stated it remains the applicant's view that the information sought by the EA would be provided at the permitting stage following the grant of planning permission. It is accepted that in terms of the construction and operation of any landfill granted permission here, members should proceed on the basis that the EA consenting regime provides appropriate protections. However there remains the logically prior question as to whether this is an appropriate location for landfill of this nature. In that regard, it is appropriate to have regard to the EA landfill location policy (RGN3 – Locational Aspects of Landfills in planning consultation responses and permitted decisions. December 2002). In very broad summary where there is a leachate generating potential, it may be necessary to refuse permission to protect the groundwater sources dependent on the level of the water table at the site and the possible routes from the site to any surface waters or groundwater source. The applicants say that the EA approach is not applicable to this site as there is no apparent viable direct groundwater pathway to surface waters and the closest potential surface water receptor is sufficiently small that it cannot be considered to provide an important contribution to other surface water receptors further downstream. They maintain that because of the predominantly inert nature of the waste it is not expected to produce significant volumes of leachate and what leachate does arise will be monitored, collected and managed in accordance with the requirements of the EA permitting system.

Having regard to the information submitted by the applicant, representations received and the latest position of the EA it is considered that there is not currently sufficient information for the Council to reach the conclusion that no adverse impacts are likely on surface water receptors in the area. Whilst, as acknowledged by the EA, the overall risk to surface waters including Chew Valley reservoir may be considered to be low it is clear from the current position of the EA that insufficient information has been submitted to support this conclusion and further quantitative assessment is required at the planning stage.

It is therefore considered that the proposed development does not comply with the requirements of policy NE13 of the Local Plan and policies 8 and 12 of the JWCS.

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

However the site is also within 2km of the Chew Valley reservoir which is a designated European site of nature conservation importance (SPA) and the Council is required by legislation to consider whether the proposed development is likely to have a significant effect on the nature conservation interest of this designation. Given the latest position of the EA the Ecology officer has confirmed that they are currently unable to conclude that this proposal does not present a risk to the water quality of the lake and the risk of a “likely significant effect” on the SPA cannot be excluded in relation to this project and planning permission cannot be granted. The proposal is therefore considered to conflict with policy NE10 of the Local Plan and policies 8 and 11 of the JWCS in respect of ecology interests.

STABILITY: Policy ES14 deals with unstable land and requires that development does not adversely affect the stability of the site or adjoining land. Representations that have been received from the adjoining landowner have raised the concern of potential impacts on their land from both the existing quarry and the proposed landfill and from consultants acting on behalf of the Stowey Action Group.

Hillslopes in the Bath and North Somerset can be subject to instability and movement that is triggered by groundwater. Softening of the clay below more competent strata can result in instability and activation (and re-activation) of slip surface. This process requires a driving head, or supply, of groundwater to cause the softening and this would come from a large geographical area and flow towards a slope. In the context of this site, excavation of the quarry has effectively cut off this groundwater source by removing the material groundwater would flow through to reach the slopes. The development of a landfill with a full engineered containment system (low permeability clay and geomembrane composite liner) would maintain the cut off effect of the quarry and would not allow flow pathways for groundwater to reform, thereby limiting the potential for future instability.

The evidence of the instability described in the representations and observed during previous site visits is considered to be historic and the surrounding slopes are well vegetated and are stable at present. In addition with regard to the proposed landfill a stability risk assessment will be required as part of the Environmental Permitting process and having regard to the proposed contours and cross sections it is considered that a long term stable landform is being proposed with no excessively steep slopes. The development does not therefore conflict with policy ES14.

HIGHWAYS: Policy M9 requires that applications for minerals and waste development will only be permitted where the highway is adequate for the type and volume of traffic proposed or that it can be upgraded without harm to the environment. It also requires that alternatives to road are used unless they are not commercially or environmentally suitable. Policy T24 provides similar tests, requiring a high standard of highway safety for all road users and avoiding the introduction of excessive traffic on unsuitable roads. The existing planning permissions at Stowey currently have a limit of 50 HGVs a day (100 movements)

and tonnage limits of 125,000tpa and 2,500tpw a week. The applicant is proposing to retain the 50 HGV a day limit but is proposing 150,000tpa with no weekly limit.

Representations confirm that operations at Stowey have been significantly below the currently approved limits for many years and that an increase in traffic of up to 50 vehicles a day would have a significant impact. However this has been considered by the Highways Authority who still maintain they have no objection subject to conditions.

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

POLLUTION, NUISANCE, NOISE AND HEALTH: Policy ES9 deals with pollution and development will not be permitted where it poses an unacceptable risk of pollution. Because this is a waste management development it is important to understand the relationship between the planning system controlled by the Council and the pollution control system administered by the Environment Agency. This is because the development will require both a planning permission from the Council and an environmental permit from the Environment Agency in order to operate. An environmental permit cannot be issued until planning permission is granted and in addition Government policy advises (NPPF) that planning authorities should focus on whether the development itself is an acceptable use of land and the impact of the use rather than the control of processes and emissions which are subject to approval under the pollution control regime, which local authorities should assume will operate effectively. Given the nature of the proposed waste stream there is also additional legislative requirements on how it should be managed to ensure that people and the environment are adequately protected. Based on the information received to date it is therefore considered that the proposed development, other than in regard to the water environment which has been covered above, does not pose an unacceptable risk of pollution, and it therefore complies with policy ES9.

Policy ES10 deals with air quality including dust, odour and health. Because of the nature of the waste concerns have been raised over possible health impacts, however, as stated above there are specific regulations covering the management of this waste stream and as landfill is the only option available for this waste the requirements of legislation and the environmental permitting system have been designed to minimise these effects. An outline of asbestos handling procedures was provided within section 5 of the planning, design and access statement which provided a general overview of acceptance and tipping procedures. In addition as part of the Environmental Permit application process, the site operator will have to submit a detailed method of working statement and separate regulations cover the safe transport of asbestos. It is noted that the Environment Agency objection is in relation to impacts on the water environment and not potential health impacts and a permit will not be issued unless and until the Environment Agency are satisfied that there will be no risk of adverse dust, odour or health effects on the

environment or communities. The site would be regulated and inspected by the Environment Agency during operations.

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

Policy ES12 deals with noise and vibration and existing conditions already set appropriate noise limits at the nearest property, require that it is monitored on a regular basis and no blasting is permitted. Objections on noise have questioned the validity of the previous noise assessment as it was carried out whilst some quarrying activities were in operation and the limits derived from it are considered to be too high. They propose that a much lower noise limit of 37dBA should be applied to the nearest noise sensitive property. These representations have been considered but their proposed daytime limit of 37dBA is below what are considered to be acceptable night time noise limits of 40-42dBA and has been derived by selecting the lowest values from the background noise monitoring work rather than an average of all the different background levels recorded during the period of monitoring. The EHO has considered both sets of noise data and has had regard to guidance to ensure levels are reasonable and on balance has concluded that the current noise limits are reasonable and therefore the reliance of the EHO on the previous noise limits as still being acceptable is appropriate.

Therefore having regard to the representations received, the comments of the EHO and the previous noise assessment it is considered that the existing limit of 46dBA remains appropriate and would not lead to significant adverse effects on the amenities of the nearest residential property. The development is therefore considered to comply with policy ES12.

LANDSCAPE: Policy NE1 requires that proposals conserve or enhance the character and local distinctiveness of the landscape and policy 9 of the JWCS requires that proposals incorporate finished levels that are compatible with the surrounding area and ensure satisfactory restoration of the site. Representations have commented that as the proposed landform will be above the original ground contours it will not be in keeping with the local area. The landscape officer has no objections in principle to the proposed landform and it will achieve the complete restoration of the site. Previous historic tipping at the site has left levels of 165mAOD and the proposed development goes no higher than this. Instead it seeks to tie in with this level and then slope down to the north. This will result in a landform that is higher than the surrounding land but it is not considered to be out of character. The proposed 6m high bund along the western boundary has previously been approved as part of the existing planning permissions for the site and is considered necessary to screen the operations from the nearest property. It will be removed as part of the final restoration of the site to nature conservation/agricultural after use and detailed landscaping and restoration conditions are proposed to achieve this. Having regard to the need to restore the quarry and the current levels on the site the proposed contours are

considered to create an acceptable landform and are in accordance with the requirements of policy NE1 of the Local Plan and policy 9 of the JWCS.

Policy NE2 of the local plan seeks to prevent adverse impacts on the AONB and whilst comments have been received from the Mendip Hills AONB Unit, the proposed development whilst visible from the nearby AONB is not considered to have an adverse impact on it and in the longer term it is considered that the restoration of the site will improve views from the AONB. It is also considered that the impacts of noise and lighting would be limited and could be adequately controlled by condition.

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

DRAINAGE: Policy ES5 deals with surface water drainage and requires that development should not be permitted where there is inadequate surface water infrastructure and it would result in surface water problems off site. Foul drainage is only required for the site offices and leachate management from the landfill will be controlled by the Environment Agency via the Environmental Permitting system. It is therefore considered to comply with policy ES5.

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

In respect of comments on fracking and former coal mining in the area the Council is not aware of any current proposals or evidence of former activities at Stowey.

Concerns have also been raised by objectors about the potential impact of the proposed development on businesses and tourism in the area. However no evidence to support these concerns has been provided and experience from landfill sites which receive asbestos elsewhere in the country does not support the view that these sites have a negative impact on the surrounding area once they are operational.

CONCLUSION: The revised position of the Environment Agency is the key change in circumstances from when members previously considered this application. The current EA position means that the proposed development is no longer considered to comply with policies 8, 11 and 12 of the JWCS which is the up to date development plan policy for landfill development. Whilst there remains a need for the West of England to make provision to manage its waste arisings this need is not considered to outweigh the conflict

with development plan policy. In addition, because of the EA's revised position the Council's ecologist is now of the view that there is insufficient information to enable an assessment of the likelihood of significant effects on the Chew Valley Reservoir SPA to be undertaken.

Representations and consultee comments in respect of need, traffic, stability, noise, dust, health, landscape, flood risk and drainage have all been taken into account but are not considered to be reasons for the refusal of the proposed development.

RECOMMENDATION

REFUSE

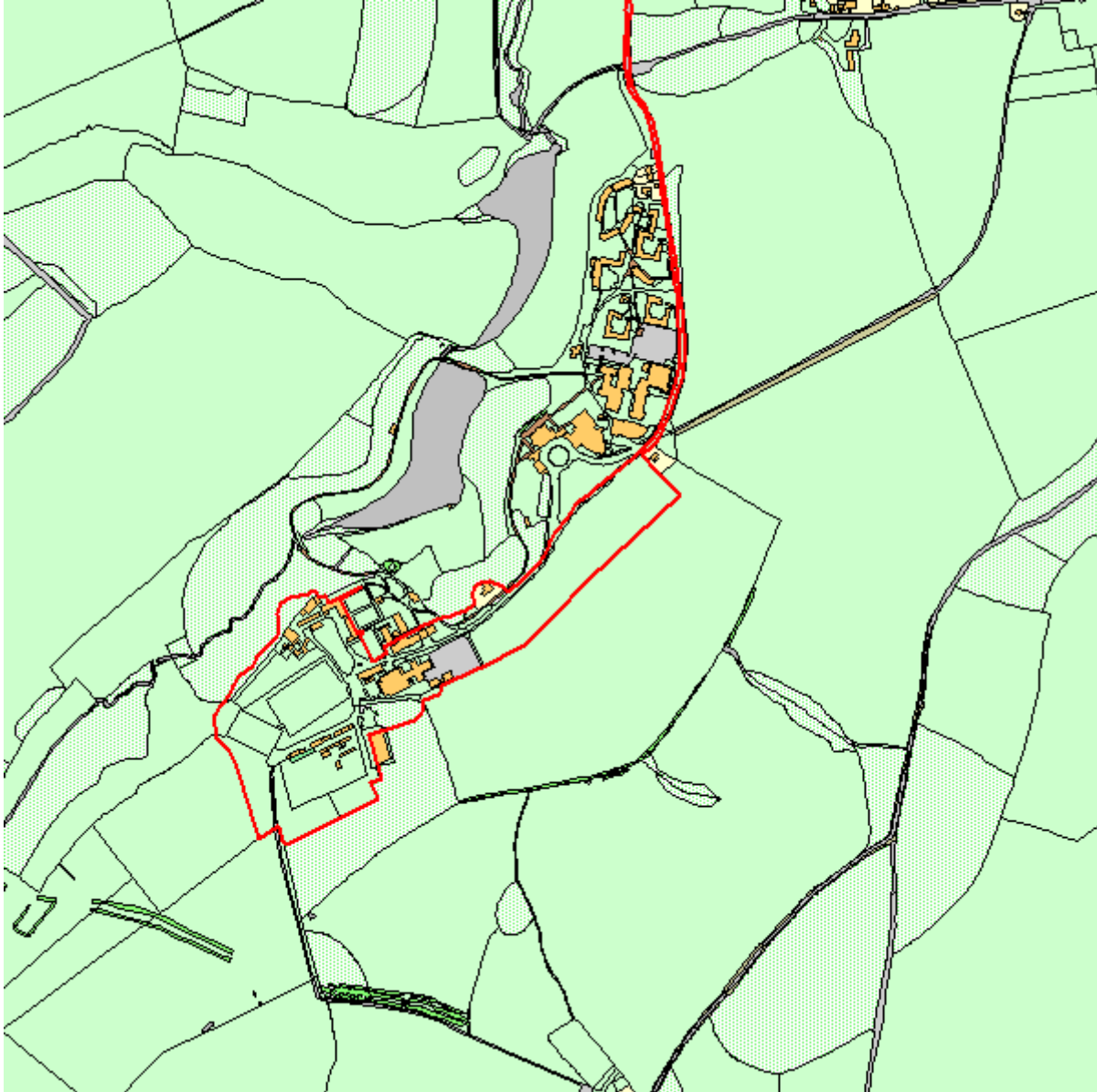
REASON(S) FOR REFUSAL

1 It has not been demonstrated that this is an appropriate location for the disposal of the non-asbestos stable non-reactive hazardous waste stream because there is insufficient information on the leachate generation potential of the proposed waste streams, the extent of the unsaturated zone below the quarry floor and the contribution to the flow regime and potential pathways for groundwater discharge from the landfill to determine the likelihood of significant adverse effects on the water and ecology interests of the Chew Valley Reservoir Special Protection Area. The proposed development is therefore contrary to policies 8, 11 and 12 of the West of England Joint Waste Core Strategy and policies NE10 and NE13 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007.

PLANS LIST:

1 205/126/02 rev B date stamped 10 December 2010; 205/126/03 rev A date stamped 6 January 2011; 2055/126/04 rev A date stamped 10 December 2010; 2055/126/05 rev A date stamped 10 December 2010; 2055/126/06 date stamped 10 December 2010; 2055/126/07 rev A date stamped 4 March 2011; 2055/126/08 date stamped 10 December 2010; 2055/126/10 date stamped 6 January 2011; 2055/126/11 dated 17 February 2011; and 2055/126/12 dated 4 March 2011.

Item No: 02
Application No: 12/02141/EFUL
Site Location: Street Record, Bath Spa University Campus, Newton St. Loe, Bath



Ward: Bathavon West

Parish: Newton St. Loe

LB Grade:

Ward Members: Councillor David John Veale

Application Type: Full Application with an EIA attached

Proposal: Erection 9 no. 3 storey (third floor in the roof) student residential blocks to provide 561 bedspaces to the southern end of the campus; the erection of an energy centre and single storey Estates and Services facilities buildings, the creation of external spaces for the storage of materials and vehicles and for the storage and processing of refuse and recycling, and the relocation of Newton Annexe providing offices and storage for the Estates Team to the south of the Walled Garden; associated access, parking, external lighting,

drainage, infrastructure and hard/soft landscaping works. Demolition of farm buildings to the south of Melancholy Wood; lean-to buildings to the north of the Walled Garden; Newton; Corston; and the former Vice-Chancellor's Lodge. Creation of temporary car parking areas during construction. (Phase 2 of University Campus Masterplan)

Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Cycle Route, Forest of Avon, Greenbelt, Listed Building, Major Existing Dev Site, Natural Historic Parks and Gardens, Protected Recreational, Public Right of Way,

Applicant: Carolyn Puddicombe

Expiry Date: 24th August 2012

Case Officer: Gwilym Jones

REPORT

Reason for Reporting Application to Committee

This application represents Phase 2 of the redevelopment and expansion of facilities on the Bath Spa University campus at Newton Park. The application forms part of the University's masterplan for the site that sets out its planned development of the campus to 2030 and proposes a significant scale of student accommodation with implications for the Green Belt, the setting of listed buildings and the historic parkland setting, the ecology of the site as well as the University's wider accommodation strategy within Bath.

A concurrent application for Listed Building Consent for works to listed buildings on the site and to the Italian Garden (ref: 12/02142/LBA) has also been submitted and is reported for determination elsewhere on this agenda.

Description of Proposed Development

This is a detailed planning application for erection of 9 no. 3 storey student halls of residence to provide 561 bedspaces, together with single-storey buildings housing an energy centre and Estates and Services facilities, associated access, parking (temporary and permanent), hard and soft landscape works, and external lighting. The scheme includes the demolition of a number of unlisted buildings and internal and external alterations to curtilage-listed buildings and structures.

The proposed buildings are laid out as a large court with buildings on three sides around a surface car park and open to the west. Other buildings create courtyards with the listed Stables, Dairy and associated buildings with car parking between. Vehicular access to the campus and application site remains as existing, principally via Corston Drive which connects with the A39 close to the A4 Globe roundabout.

The buildings comprise terraces of three storey 'houses' of varying lengths that take the approximate eaves and ridge heights, together with the roof pitch, from the listed Stables and Dairy buildings. Each house generally accommodates 10 rooms over three floors with accommodation on the third being within the roof space. Independent access is provided to each house and on some buildings a single-storey extension provides accommodation for wheelchair users. The western extent of built development relates to the boundary of the Walled Garden.

Works are also proposed within the Walled Garden including the provision of new gates to improve access into this space by students and staff at the University. Existing lean-to sheds are to be removed from its north wall and it is proposed that an existing modern building within the garden will be converted to provide changing facilities. A netball court is also proposed within the Walled Garden. The University's Estates and Services facilities and an Energy Centre (serving the southern part of the campus) will be located between the Walled Garden and Vinery Wood in an area currently used for storage and grounds facilities.

The application is supported by Design and Access Statement, Planning Supporting Statement, Heritage Statement, Transport Assessment, Statement of Community Involvement and Campus Masterplan. In addition the application is accompanied by an Environmental Statement (including Flood Risk Assessment), as well as Statements on Infrastructure Services, Site Waste Management, and Ventilation and Extraction and a BREEAM Pre-Assessment, a Parking Strategy and a Travel Plan Update Framework. The applicant has also submitted Draft s.106 Heads of Terms.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

English Heritage - In addition to the NPPF, in coming to a view about the proposed development we have also referred to an existing Conservation Management Plan (2011) for the site and to various supporting documents within the application. Additionally we have had the benefit of lengthy pre-application discussions about this proposal and have undertaken several site visits in connection with it. The efforts the applicant has made to keep English Heritage informed should be acknowledged. Taken as a whole, English Heritage does not have an in principle objection to the proposed development. While the decision to accommodate the majority of the student bed spaces in a large three storey 'courtyard' development raises a number of issues of scale and mass, and has an impact on the legibility of the hierarchy of historic buildings on the site, we are satisfied that the 'harm' (to use the terminology of the NPPF), is capable of mitigation. Indeed, in our judgement some of the most historic parts of Newton Park, including the setting of St Loe's Castle, should be enhanced by the proposals. That said, we do have a number of specific comments which we would ask your authority to consider and respond to by condition or legal agreement, as appropriate.

We recognise that it is not possible to embark on such a significant redevelopment of the university campus without some adverse impact on the historic environment and we accept that the applicant has made efforts to ensure that 'the landscape and visual capacity of the existing landscape is not exceeded' (Landscape and Visual Assessment, 7.5.3). No evaluation of the current proposals can be made without an understanding that there are significant adverse impacts from existing development. An improvement to the historic environment by, for example, removal of poor quality or inappropriately sited buildings, needs to be taken into account alongside adverse impacts arising from new development. The carrying capacity of a landscape is very difficult to quantify but we consider the current application could be improved by attention to the following.

The evolution of the scheme through pre application discussions has delivered considerable changes in terms of the overall mass and bulk of the buildings. The roof height of the proposed blocks remains considerable in relation to the lower storeys and adjacent properties. We have discussed this issue and the response was that the attic/plant area needs to be that height in order to meet health and safety requirements.

We wonder if there are no other methods of providing safe access to the roof plant without requiring the proposed height? The design of the pavilion blocks facing out across the bastion to the landscape beyond has been the subject of revision. The photomontages indicate that the side elevations in views from the landscape park would be rather plain due to the lack of any architectural articulation. We suggest that the architectural treatment of these buildings is reviewed.

In general terms we agree with the overall design approach. This is a large quantum of development and the overall appearance and success will be very dependent on the quality of the materials, finish and fine detailing. We are yet to be convinced by the information which has been presented that this will be achieved, partly because of a slight lack of clarity in the detailed design. For example, the photomontages seem to show chamfered window openings but the plans show straight reveals. Also the width of the gable coping looks very slim. We note that in the majority of other projects the architects have worked on they have used stone and brick where the quality of the materials, their colour variation and the execution of the mortar joints have contributed to the overall quality. The use of render and concrete does present challenges in achieving the quality and fine grain of detail. We acknowledge that the use of brick would be inappropriate in this location and that stone will have considerable cost implications. The presentation of sample materials may assist the Council to judge the quality of the final design.

The amount of car parking seems excessive. It is stated in the Masterplan document (April 2012) that there are currently 776 car parking spaces and that by 2030 the number will have reduced to 678, a reduction of 13%. While this reduction is welcome, we question if it goes far enough, especially as it is the university's stated intention to accommodate more students on site (499 additional bed units above the present level) against a projected fall in overall student numbers. The application drawings convey the impression that some buildings - and we apologise for the clichéd analogy - are like islands in a sea of cars. Green space flowing around the buildings is a characteristic of the existing campus and in some locations this has been entirely lost in the current scheme. We suggest that the applicant be asked to look at reducing the area devoted to car parking: the impact of parked cars in front of the west elevation of the stable block is particularly harmful to the setting of this grade II* listed building.

A new grassed bastion and terrace is proposed at the east end of the large new student residential complex. Although this is a new landscape feature, it plays a pivotal function in 'gathering in' the historic avenues (in process of reinstatement) in the Old Park. In reverse it acts as a springboard into the wider landscape from the more urban form of the courtyard. The bastion/terrace is thus an important space and, although large enough, it should not be developed for formal sport. We would ask you to consider if there is an appropriate mechanism to ensure the space cannot be developed upon - even by the relatively minor change of installing sports infrastructure.

Of equal concern is the proposal to lay out a netball pitch in one quarter of the walled garden. From our perspective it is important to be able to 'read' the walled garden as a coherent, open space defined by its historic walls. Potential harm to this heritage asset could arise from the introduction of lighting, sub division of the space through e.g. netting or kick boards, and artificial surfacing (which has great potential to destroy below-ground archaeology). In pre-application discussion, the applicant provided English Heritage with verbal assurances that no additional infrastructure would be required and the Landscape

and Visual Assessment is consistent with this, stating that 'the space within the walled garden is intentionally retained in character terms very much as it is, with minimal interventions' (7.4.2). However, the clearly related proposal to create a changing room in one of the existing buildings in the walled garden implies a permanence and a formality to the proposed arrangement which is potentially worrying. If your authority considers a small, lawned netball pitch in the walled garden to be acceptable in principle, it should be very tightly conditioned to ensure that the space can only be used for netball (it is easy to imagine a progression to alternative, more intensive sports uses). A further area of concern in the walled garden is the proposal to form a hard surface in the south west corner, on the site of existing garden buildings. While we do not consider these garden buildings of particular historic interest, their replacement with a hard surface, enclosed by a post and rail fence (see drawing NPA 10472 310 for example) seems inappropriate. Combined with the proposal for a netball court this means that half of the walled garden will be lost to 'development'. More positively we note the applicant is committed to the repair of the 19th century glasshouse by 2016, as set out in the draft Heads of Terms of a S106 (April 2012), and this is welcome.

The application incorporates a revised masterplan which takes the university's development aspirations forward to the year 2030. This includes the redevelopment of the north end of the site to provide new residential accommodation. It is difficult to judge the impact of the changes on the registered landscape and the setting of listed buildings because we can only find a plan of the intended layout; we will need more detail about height, mass and materials before coming to a view. However, we consider that the balance between built form and landscape, and the porosity of the layout, to be well judged.

English Heritage's landscape architect considers that the siting of a netball court and the introduction of hard surfacing to the west of the walled garden is unacceptable. They consider the wall to be the defining boundary to any development and also have concerns regarding the fence and hard surface in the north east quadrant of the walled garden.

Provided the above issues can be satisfactorily addressed, English Heritage considers that the harm to significance of the designated heritage assets to be less than substantial. The NPPF advises that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal' (para 134).

Environment Agency - no objection subject to conditions regarding details and implementation of the mitigation measures set out in the Flood Risk Assessment and further details on the surface water drainage scheme for the site.

Natural England - no objection subject to conditions. This application is near to Combe and Bathampton Down Mines Site of Special Scientific Interest (SSSI) which is a component of Bath and Bradford-on-Avon SAC. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and

Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

European Protected species: Bats - This proposed development impacts upon bats and bat surveys have identified that eight species of bat are using the site for feeding, roosting and/or breeding. Bat corridors have been identified within the area affected by this second phase development of the university campus. The bat activity focused along woodland edges and between the Walled Garden and Vinery Wood. The Walled Garden Area is of particular importance to the lesser horseshoe bats that fly from their roost site in the Bothy through the garden to forage in Vinery Wood. At meetings with the University at the pre-planning stage my colleagues have both expressed concerns about lighting of the campus around the Walled Garden in particular. We are pleased that the University has acknowledged that the Walled Garden is a very sensitive area for bats on the campus and that light spill into the Walled Garden will be avoided, and a clear dark corridor is retained for bats between the Walled Garden roost and Vinery Wood. However, we have noted on the plans of the walled garden the proposed construction of a games pitch and referred to as an unlit netball court in the Design and Access Statement. Natural England advises that its use must be restricted to daytime use so no permanent or temporary external lighting of the court is necessary. It is our understanding that the Estates and Services Facilities to be located between Vinery Wood and the Walled Garden will be restricted to day time use. We welcome that if needed the external lighting in the sensitive bat areas will be via controlled low level lighting bollards that will control unwanted light spill. Nine buildings were identified to contain bat roosts and we understand one bat roost site, a small pipistrelle summer maternity roost, will be lost because the former Vice-Chancellor's Lodge will be demolished. A mitigation strategy is needed to maintain the favourable conservation status of the bat roost and to inform the European Protected Species Licence (EPSL) application that is required from Natural England before the building can be demolished.

Great Crested Newts - The Italian Garden Ponds and the Walled Garden pond support a medium population of Great Crested Newts (GCN), as well as palmate and smooth newts. The newts are impacted upon by this proposal and a GCN mitigation strategy is needed to maintain the favourable conservation status of the great crested newts and to inform the European Protected Species Licence (EPSL) application that is required from Natural England before works that impact upon their terrestrial habitat or the ponds can be started.

Other protected species - This development impacts upon the main sett of the Badger.

Local wildlife sites - This site is close to The River Avon and Kelston Park Sites of Nature Conservation Importance (SNCI), therefore, the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Local landscape - Natural England does not hold information on local landscape character, however the impact of this proposal on local landscape character (if any) is a material consideration when determining this application. Your authority should therefore ensure that it has had regard to any local landscape character assessment as may be appropriate, and assessed the impacts of this development (if any) as part of the determination process.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Garden History Society - no response however consultation response received from Avon Gardens Trust commenting that both organisations share English Heritage's concerns and urge that revised plans and further details are requested from the applicants to address the identified concerns.

Ecology - no objection to the proposal subject to conditions. The submitted details include comprehensive ecological survey and assessment, with satisfactory outline mitigation and compensation proposals for impacts on ecology, including impacts on European Protected Species bats and great crested newts. EPS licences will be required for Great Crested Newt translocation & for loss of a pipistrelle roost, and the LPA must consider the 3 tests of the Habitats Regulations. I am satisfied that the third test will be met for each affected species. Outstanding details of mitigation, compensation and details of future management should be secured by condition, and final specifications for lighting.

Arboriculture - the Environment Statement includes a full tree report including a detailed Arboricultural Method Statement, the contents of which are agreed. The proposals include tree planting as mitigation and opportunities for woodland edge development. No objection subject to conditions regarding implementation of tree protection measures and works in accordance with the submitted Arboricultural Method Statement.

Contaminated Land - no objection however due to the sensitive nature of the development (i.e. residential/student accommodation) and previous use of the site recommend conditions are applied to any permission if granted.

Environmental Protection - no objection however note that during the construction phase the development has the potential to cause disturbance to residents of existing accommodation areas and recommend conditions to control noise levels and hours of work during construction. Also recommend condition regarding noise attenuation of the proposed residential accommodation from activities in the nearby Student's Union building.

Highways - no objection subject to conditions. The Public Right of Way affected by the development to be formally diverted and Construction Management Plan submitted and approved prior to commencement of development. Submission and approval of updated Travel Plan and Car park Management Plan prior to occupation, and parking to be laid out and available at all times.

The University campus currently accommodates approximately 4200 FTE students and 400 FTE staff. The masterplan does not anticipate any increase in staff or student numbers over the next 10 years and due to national cuts in student allocation numbers are likely to reduce by 10-15% on the 2011/2012 levels. It is understood that there currently 394 bedspaces on site and the current proposal would provide an additional 571 bedspaces resulting in a total of 893 bedrooms on site, with some existing residential accommodation being demolished. There are currently approximately 1,900 1st Year students, but it is stated that not all of these students would require accommodation. The proposed on-site student accommodation would be car-free, with the exception of students with special needs, and the University would have appropriate controls to restrict students from keeping cars on campus, or on surrounding streets. It is also considered that the provision of accommodation on campus will reduce the need for students to travel.

The provision of accommodation on-site will reduce student travel to and from the campus, with the Travel Plan results indicating 35% of students travel by car, and 23% as single occupancy, which has been attributed to students travelling from homes within the Bath area. The Transport Assessment sets out the travel survey data which indicates that of 499 of 1st Year students living off-site, they generally make 378 trips to and from the campus each weekday. The provision of residential accommodation on the site could therefore reduce the number of movements by approximately 378 each way, each day. Whilst clearly there would be some movements by students into the City, the pattern of movement would be quite different to that which currently occurs. The provision of more student residential accommodation on the site would reduce the need to travel to and from the campus at peak times, with the overall trips being significantly reduced. This would also reduce the pressure on existing bus services at peak times in the morning. Furthermore, the provision of more residential accommodation on-site will free up purpose built accommodation, particularly on Lower Bristol Road, which would become available for 2nd and 3rd Year students, and thereby releasing independent housing in Bath. This will ensure all students are subject to controls over access to, and the use of, cars for transport, through the University agreements with the accommodation providers, and this could further reduce car travel to and from the site.

With regard to alternative modes of travel for students, and staff, the existing Public Transport facilities offer good frequency services between the University Campus and the accommodation on Lower Bristol Road, the Sainsbury's supermarket and the City Centre. These services therefore provide good facilities for students to access leisure and shopping destinations, together with accessing other University buildings within the City. There are also frequent bus services between Bristol and Bath which stop at the Globe roundabout.

The majority of traffic entering and leaving the Newton Park campus do so via the main Corston Drive, but the second access via Newton Drive currently carries 12% of traffic and used on a part-time basis. Sections of the Corston Drive have been widened, improving bus, pedestrian and cycle access, and further widening can be secured under existing permissions, but are subject to approvals from the Duchy of Cornwall, as landlord. If the full widening of the Corston Drive is achieved, the University would look to close the Newton Drive access. The closure of the Newton Drive, except for emergency access, would reduce the traffic on the village roads and junctions, and all traffic would use the main Corston Drive, whose junction visibility will be improved as part of proposed works

by the Council to improve pedestrian and cycle facilities between the access and the A4, utilising a financial contribution secured as part of the development of the performing arts studio on the site.

The proposals include a new permanent parking area created between Vinery Wood and the Walled Garden, mainly within the Large Court around the new student accommodation, to address the need for parking for staff, and those students with special needs. Temporary parking for 275 spaces will be provided on the existing sports pitches during the construction of the accommodation, in order to replace the parking that would be lost on the development area. 776 spaces would be provided throughout the construction process, and this is in line with the existing level on the site. Post-construction, the Large Court area within the building blocks would provide for 212 spaces (including disabled spaces), and other parking areas surrounding the new buildings will provide further parking. The total number over the campus would be 771. The Newton Car Park will be removed, in conjunction with the demolition of Newton and Corston, and this will result in the overall loss of some parking on the campus, such that the level would be reduced from the current 776 to 757 spaces in 2016, with a further reduction to 691 being made in 2020. The Car Parking Strategy sets out the levels of parking for the various phases of development, both during and post construction, and this would be 776 spaces during Phase 1 construction, 776 spaces during Phase 1 and Phase 2 construction, 771 spaces on completion of Phase 1 and Phase 2 residential buildings, 757 on full completion of Phases 1 and 2, 678 spaces on completion of Phase 3 and 691 spaces in 2020. The number of disabled permit holder parking spaces are proposed to be increased from 35 to 48.

Cycle parking is proposed to be increased as part of the Phase 2 development to 68 cycle spaces, with 50 located in an existing barn to the north of Sophia, 12 uncovered spaces in the vicinity of Block 8, and 6 covered spaces behind the Walled Garden to serve the Estates and Services facilities. A further 4 spaces will be provided following the demolition of Newton to give a total of 72 spaces in association with the Phase 2 development. On completion of the Phase 1 and 2 developments there will be a total of 210 cycle spaces on the site, an increase on current levels.

The surveys included within the submitted documents, indicate a general trend for the reduction in parking on site over the past 5 years, and also a reduction in traffic flow from 2010 to 2011. The bus patronage has also increased. The University has worked with Council Officers with regard to their Travel Plan, and the survey results do show a shift in the pattern of movement. An updated Travel Plan would be required as part of any permission being granted, and this should reflect the changes in accommodation provision on the site, and could include surveys of student travel to facilities off campus, together with the need for travel to other University buildings within the City. In order to further restrict car parking on the site, restrictive measures such as the issuing of parking permits or preferential parking spaces for car sharers could be considered. A Car Parking Management Plan would provide details of how the parking areas will be managed, and this could either be submitted as a stand-alone document, or included within the Travel Plan.

With regard to the construction phase of the development, the contractors' staff will be encouraged to access the site by public transport, and to provide an off-site park & ride facility for construction operatives to avoid the need for construction staff vehicles to be

parked on the site. All vehicles would access via Corston Drive, and movements will be controlled via radio operated banksmen at points along the drive, and co-ordinated with the buses and student movements. Deliveries would be managed to avoid the peak traffic times of 0800-1000 and 1600-1730. A Construction Management Plan detailing this information, together with more details of locations for contractor parking (both on- and off-site), routeing and timings of deliveries, working hours, traffic management etc., will be required as a condition of any permission.

The proposed development affects the line of an existing Public Right of Way, and a temporary diversion order will be required to provide an alternative route during construction. This diversion order will need to be in place prior to any construction commences on the site.

Highways (Drainage) - The proposed development site is over 1 ha, therefore the Environment Agency is a statutory consultee. No objections to the proposals subject to condition regarding submission and approval of a detailed surface water drainage design.

Policy (Landscape) - The site has particular significance as a registered park and garden and the listed (grade II*, II and curtilage listed) buildings facing the proposed works. The Environmental Statement includes a comprehensive selection of views towards the proposed works. The views indicate the context and visibility of the site and in particular the effects of the existing car parking on views and the general harmonious materials and colours of the main group of buildings at the existing western developed part of the university site.

The photomontages provide a good representation of the likely effects of the proposals. The improvements resulting from the removal of some of the buildings, in particular Corston looking towards the Castle Keep and the Vice Chancellor's Lodge beside the drive, are welcomed. The photomontages also show the large bulk of the proposed buildings in close proximity to the existing listed buildings which in contrast have a mellow appearance with domestic proportions.

The landscape and visual impacts assessment in Section 7 of the ES is thorough although the sensitivity of some of the views and the resultant scale of effects appears to be on the low side particularly in respect of viewpoints 29, 30 and 31, where the setting of the listed buildings is an important consideration. Similarly the benefits of removing Corston and the Newton Annexe in viewpoint 13 are moderated by the retention of Twinhoe and Wellow as part of this application. The greatest benefit from the removal of Corston and Newton Annex is achieved in re-connecting views between the Castle Keep and the parkland to the south. The benefit to the view from the Castle Keep is demonstrated in the photomontage, viewpoint 32.

I support the general approach that has been taken to accommodate the phase 2 proposals and welcome the proposed removal of some of the more incongruous buildings. I have a few concerns as follows: Block 8 is not appropriate at this location within the immediate setting of the listed buildings and the Grade II* listed stables in particular. The listed buildings (the stables and dairy) have always had open views to the parkland as shown on the series of maps dating back to 1761 shown on page 9 of the D&A Statement. It is recognised that the development would obstruct the views directly to the open landscape however the proposed block 8 would impact detrimentally on the setting of the listed buildings affecting views from the vicinity of the listed buildings and views towards

the listed buildings. The impact would result from the loss of openness around the listed buildings, the large bulk of the proposed buildings in relation to the stable building and blocking views including to the wooded skyline towards Melancholy Wood and Park Wood looking northwards, and towards Vinery Wood looking southwards. The visual connectivity between the historic buildings and the wider parkland is a strong characteristic at this part of the registered historic park and the detrimental effects on this relationship are illustrated effectively in the photomontages at viewpoints 29 - 31. The need to address these effects is supported by the National Planning Policy Framework which recognises the importance of setting to the significance of the heritage asset itself (in this case the listed building) and the importance given to conserving registered parks and gardens which would be harmed by the overbearing obstruction which would result from the positioning of block 8.

It is unfortunate given the scale of the proposals that more has not been done to reduce the car parking provision on the site. Cars would appear to encroach onto many of the key open parts of the site. Two of the most incongruous parking areas are south of the Castle Keep and to the east of the avenue beside the drive, and what appears to be overflow parking west of and beyond the built footprint between blocks 1 and 6. The former would intrude into views of the parkland and the latter appears to be shown as permanent and not to be removed by 2020.

I question whether active sports (the netball court) is an appropriate use in the walled garden which has a horticultural character where more tranquil activities are desirable.

The blank gable ends appear stark in some of the photomontages but I understand some relief will be provided with some windows within the gables. The materials and colouring used for the proposed buildings will need care to ensure they do not intrude into the open landscape and to co-ordinate with the adjoining listed buildings. A condition needs to be applied for materials and approval of sample panels.

The hard landscape proposals are suitable in principle though I am uneasy with the proposal for brown asphalt for the key spaces within the development. The brown asphalt is shown in areas with a courtyard character where I consider setts may be a more appropriate alternative. I am generally happy with the proposed plant list. I recommend that a condition is applied for hard and soft landscape proposals.

Public Rights of Way – Public Rights of Way BA17/14 and BA17/15 cross the development area, together with a permissive path. Footpath BA17/14 is currently obstructed by a car park and building, but there is a walked line around the obstructions. The line and width of the paths must not be altered or obstructed during or after works. If the line and/or width of the paths are to be affected during the works, a temporary closure order must be applied for with the Council's Traffic and Safety Team and the footpaths must be restored once the works have been completed.

Newton St Loe Parish Council - We consider that the proposed basket ball court to be located within the Walled Garden is inappropriate. The University having previously destroyed an earlier existing hockey pitch and the tennis courts (now car parking) and the Indoor Sports facilities provided, which have been turned into the Students' Union. We fully understand the need for sporting facilities, but a more suitable site is needed for the basket ball court. The only Noise Monitor is located at the far end of the village, close to

the offices of Send A Cow. We would recommend a 2nd Monitor placed by the Lodge gates to the Newton Drive. Pedestrian and cycle access definitely needs to be improved in the Newton St Loe & Corston areas. We note that the University has made £40,000 available to B&NES to facilitate this. We request that there should be restricted access of the Newton Drive for the use of University Staff and Emergency vehicles only. We would point out that at the outset of this development, the village was given to understand by the University and the Duchy of Cornwall, that the Newton Drive would be closed upon completion of the widening of the Corston Drive. We were also told that no further development would be carried out until the Corston Drive had been widened - this work is not yet completed. If this is no longer the case, we ask for an explanation. B&NES stated that they were not going to grant any further planning until the Corston Drive was completed. Again, we seek clarification. Newton St. Loe Parish Council concurs with English Heritage, that the site for the Netball Court is neither compatible nor appropriate within the Listed Walled Garden - whether it be a simple permeable, paved level surface or with artificial grass. Following the proposed demolition of the farm buildings to the South of Melancholy Wood, we wonder whether that area would be large enough to accommodate the proposed new Netball Pitch. It was also noted that Drawing No: NPA 10472 311 does show an emphasis on Car Parking, which appears somewhat excessive in the overall plan.

Corston Parish Council - fully supports the application.

Priston Parish Council - no comment.

Bath Preservation Trust - strongly supports the principle of this proposal to increase student residences on campus. The dominance of student houses in residential areas is an issue for the City and there is a recognised impact on the shortage of family housing. The Trust feels that the development of the site to support continued educational use, and the potential relief the provision of student accommodation would have on family homes, constitutes very special circumstances, and that the proposed development in this location is appropriate within the Green Belt. The degree of harm to the openness of the Green Belt is sufficiently mitigated by the existing built up backdrop combined with the landscaping proposals, which will benefit the setting. Similarly, the Trust strongly supports proposed development being on the site of the existing car park; a reduction in car parking is significantly beneficial in terms of carbon reduction and less vehicle flow.

It is regrettable that there has not been any further opportunity to review the development of proposals before the submission of this planning application. The design and detail has changed considerably since the last round of public consultation and events attended by the Trust. We have concerns about the roof profile of the new residential buildings. In section the flat roof between ridges appears to create unnecessary bulk. Additionally we feel that ridge heights make the building appear rather compressed. A lower roof may help break up the bulky form. Further details of about the proposed patinated zinc roof covering are required, specifically about the colour and tone of this material.

The use of reconstituted stone is not at all supported.- we encourage the use of natural Bath stone. Furthermore whilst we do not object in principle to the use of render, we are concerned about the large expanses of render proposed and the durability and maintenance requirements. Generally we do not understand the justification for the

choice of materials, which is not in conformity with the range of examples given in the design and access statement.

No response to the application has been received from the Duchy of Cornwall (land owner).

Revised details received by the Council have been advertised including Site Notices and a Press Notice.

POLICIES/LEGISLATION

Policies/Legislation:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that for the purposes of making decisions under the Town and Country Planning Acts, the decision must be made in accordance with the Development Plan for the area, unless other material considerations indicate otherwise. These comprise:

- Joint Replacement Structure Plan (Adopted September 2002)
- Saved policies in the Bath and North East Somerset Local Plan (including minerals and waste policies) (Adopted October 2007)
- Draft Core Strategy (December 2010)

The Joint Replacement Structure Plan originally had an expiry date of 2011. The majority of policies were saved by the former Secretary of State and will remain relevant in the assessment of planning applications until the Core Strategy is adopted. However, the document is of only limited direct relevance to the consideration of individual planning applications.

The Bath and North East Somerset Local Plan includes a number of policies relevant to the current application:

- IMP.1 Planning obligations
- D.2 General design & public realm considerations
- D4 Townscape considerations
- ES.1 Renewable energy proposals
- ES.2 Energy conservation and protection of environmental resources
- ES.5 Foul and surface water drainage
- ES.9 Pollution and nuisance
- ES.10 Air quality
- ES.12 Noise and vibration
- HG.17 Purpose built student accommodation
- GB.1 Control of development in the Green Belt
- GB.2 Visual amenities of the Green Belt
- GB.3 Major Existing Developed Sites
- NE.1 Landscape character
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- NE.15 Character, amenity and wildlife value of water courses
- BH.2 Listed buildings and their settings
- BH.9 Parks and Gardens of Special Historic Interest
- BH.11 Scheduled Ancient Monuments & other sites of national importance
- BH.12 Important archaeological remains

- T.1 Overarching access policy
- T.3 Promotion of walking and use of public transport
- T.5 Cycling Strategy: improved facilities
- T.6 Cycling Strategy: cycle parking
- T.8 Bus strategy: facilities & traffic management to improve efficiency & reliability of bus operations
- T.24 General development control and access policy
- T.25 Transport assessments and travel plans
- T.26 On-site parking and servicing provision

On the Proposals Map Newton Park is shown as being in the Green Belt (Policy GB.1) and part of the application site is designated as a Major Existing Developed Site (Policy GB.3). The site is a designated Parks and Garden of National Historic Importance (BH.9).

Draft Core Strategy (Submission Version 2010, as amended):

- CP2 - Sustainable Construction
- CP3 - Renewable Energy
- CP6 - Environmental Quality
- CP8 - Green Belt
- B5 - Strategic Policy for Bath's Universities

Policy B5 is specifically relevant to the proposed development. In respect of Newton Park it states:

"Within the context of a strategic framework for the University's entire estate the strategy seeks the redevelopment and intensification of the Newton Park Campus to provide additional study bedrooms and academic space. Proposals should seek to optimise opportunities within the existing Major Existing Developed Sites (MEDS) designations before seeking to justify very special circumstances for development beyond them or a change to the MEDS boundaries. In all circumstances regard should be had to the sites environmental capacity, the significance of heritage assets and the optimum development of the Newton Park Campus in this regard."

In addition, proposed Policy B5 indicates that off-campus student accommodation will be refused where "... it would adversely affect the realisation of other aspects of the vision and spatial strategy for the city."

Following the Examination Hearing into the Draft Core Strategy the Inspector has issued his preliminary conclusions on strategic matters and has suspended the Examination. However in the light of the stage of preparation of the emerging plan and the fact that relevant policies remain unchanged following the Examination then some weight can be given to policies in the Draft Core Strategy in the determination of this application.

Supplementary Planning Documents (SPDs).

The following SPDs are applicable to the proposal:

- Planning Obligations SPD (2009)
- Rural Landscapes of Bath and North East Somerset: A Landscape Character Assessment SPG (2003)
- Archaeology in Bath and North East Somerset (2004)

OFFICER ASSESSMENT

Environmental Impact Assessment

In view of the scale and nature of the proposed development, its setting and likely significant effects the proposed development is considered to constitute Schedule 2 development under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations). An environmental impact assessment (EIA) of the proposed development has been undertaken and the application is accompanied by an Environmental Statement (ES) that sets out the findings of that assessment, identifies the significant environmental effects as well as measures to mitigate those impacts where appropriate. By virtue of Regulation 3 of the EIA Regulations the Council cannot grant planning permission in respect of the application unless it has first taken the environmental information into consideration. The environmental information means the ES, any further or other information received, any representations made by any consultation bodies and any representations made by any other person about the environmental effects of the proposed development. To avoid repetition, the findings of the EIA are reported below as part of the assessment of the planning issues together with responses to consultations and other representations received.

The scope of the EIA is considered by Officers to be appropriate, the relevant topics identified relevant and the methodologies adopted robust.

The ES comprises the following documents:

- Non Technical Summary
- Volume 1 - Main Text and Appendices
- Volume 2 - Appendices
- Volume 3 - Appendices
- Volume 4 - Figures and Appendices

Environmental Statement Non Technical Summary (NTS)

The NTS sets out a brief summary of the findings and content of the main ES. The document provides a description of the site and of the proposals. Following a brief summary of the process of scoping and preparing of the ES, the NTS sets out main topic chapters under which the environmental effects of the proposed development are summarised.

Environmental Statement Volume 1: Main Text and Appendices

The Main Report sets out the findings of the environmental impact assessment of the following topics:

- Landscape and Visual Impacts, including Historic Landscape
- Historic Buildings
- Archaeology
- Biodiversity and Nature Conservation
- Water Environment: Flood Risks, Drainage and Water Quality
- Traffic, Transport and Access
- Noise
- External Lighting
- Climate Change

In addition the ES provides information in relation to other environmental impacts - Contaminated Land, Air Quality and Waste - that are not considered to be significant. Cumulative effects of the development with the permitted Phase 1 of the campus masterplan and the proposed Phase 3 development are assessed on a topic-by-topic basis and collectively. Environmental Statement Volume 2, 3 and 4 are Appendices providing the detailed data, figures and other information referred to in the main ES report including ecological surveys, noise survey results, and landscape and visual impact assessment.

The applicant has stated that whilst amendments to the proposed development in response to consultation and other responses have required certain limited consequential alterations to the original application material, these largely flowed from amendments to the external appearance of the blocks within the proposed development and do not change the findings of the ES. Consequently the impacts identified in the ES (and summarised within the Non Technical Summary) have not changed as a result of the revisions to the scheme. The applicant has not, therefore, revised the Non Technical Summary or ES. Officers consider that, taking account of the scope of the changes and the relevant EIA Regulations this approach is acceptable and complies with the requirements of the Regulations.

The assessment of environmental effects and proposed mitigation form an integral part of Officers' consideration of the proposed development and in the Council's determination of the application.

Principal Planning Considerations

This application raises a number of significant planning issues and these are considered in the rest of this report:

1. Proposed development within the Green Belt and any very special circumstances that would clearly outweigh the harm to the Green Belt of inappropriate development
2. The impact of the proposed development upon the Listed Buildings and their setting and the special character of the historic parkland of Newton Park
3. The impact of the proposed development upon the ecology of the site
4. The wider implications of the proposed development in terms of on and off-campus activities and associated transport movements
5. Other Local Plan policy and general planning considerations

These issues are discussed below including consideration of the findings of the environmental impact assessment where appropriate. ES topics not addressed under each planning consideration are assessed under 'Other' planning considerations.

Strategic Context - Newton Park Campus Masterplan

Bath Spa University currently occupies a number of sites for both academic purposes and student accommodation within and around Bath although its focus is at Newton Park. The University has around 6,300 students of whom approximately 4,650 are based at Newton Park with accommodation on site for 394 students. At present, in addition to facilities at Newton Park, student accommodation is currently located off-site in purpose-built developments (such as Waterside Court on the Lower Bristol Road) and in smaller independent residential properties in various locations across the city. The University has 610 staff of whom 400 are located at Newton Park.

The context for the current planning application is the University's proposals to consolidate its activities at Newton Park as set out in the Newton Park Campus Masterplan 2012. The development strategy assumes no increase in student or staff numbers at the University over the next 10 years however the University has aspirations to provide residential accommodation for at least 1,000 students at Newton Park primarily for First Year students seeking University accommodation. The University's decision to rationalise and consolidate facilities at Newton Park, providing both improved academic facilities and additional residential accommodation, followed a review of its estate in 2007/2008 with the objective of developing its academic and accommodation facilities seen as an important part of the future success of the University. Providing residential accommodation on campus will also reduce the need for students to shuttle back and forth between Bath and facilities at Newton Park.

In order to provide a framework for its future growth the University prepared a masterplan setting out its aspirations for the development of facilities at Newton Park. The preparation of the masterplan has been progressed through consultation with local residents, students, staff, the Council and statutory agencies and provides an overall vision for the campus and phased redevelopment of academic and residential buildings. A Draft Masterplan was produced in 2010 and sought to establish the maximum capacity of site in the light of the environmental and historic constraints. At that time it was considered by officers and consultees that the University had set its masterplan sights a little too high in terms of the Park's capacity to absorb the later phases of the proposed development programme (i.e. Phases 2 and 3) and that the proposed scale and layout raised significant concerns for the Council and statutory consultees, notably English Heritage and Natural England.

The University subsequently reviewed and amended its proposals and there has been further consultation, discussion and negotiation to address key aspects of the proposals. In summary the masterplan identifies three main phases of development:

Phase 1 - new academic building towards the centre of the campus (planning permission granted in mid-2011 (ref. 10/04747/FUL) and construction is now underway)

Phase 2 - residential accommodation at the southern end of the campus (the current application)

Phase 3 - additional residential accommodation at the northern end of the campus (to come forward at some stage in the future).

The current application (as amended) proposes buildings that will provide 561 bed spaces and together with existing accommodation (taking account of 72 spaces lost through the approved Phase 1 Academic building development) the site will provide accommodation for 883 students on completion of Phase 2.

The masterplan is intended to operate as a 'living document', allowing for revisions and updates to be incorporated and to enable the university to respond to changes in national educational policy, funding availability and other factors. Whilst such a degree of flexibility is appropriate given the timescales over which the planned developments will be implemented, this needs to be balanced by the need for clarity about the context within which individual planning applications come forward (including ensuring that each application is considered on its own merits whilst being cognisant of the 'bigger picture' set out in the masterplan), and the fact that the scale and nature of the development is such that applications for individual phases will be the subject of an Environmental Impact

Assessment. Accordingly in order to properly assess significant environmental effects of development, including the cumulative impact of each phase, the masterplan establishes broad parameters about the scope and scale of proposed development for the site as a whole as well as individual phases.

It is important to note that the masterplan has been submitted by the University as a supporting document only and does not represent a formal part of the application under consideration. Accordingly if Members are minded to approve the current application this does not imply that the scale of development proposed in Phase 3 is acceptable without more detailed proposals being presented and a full assessment of its specific, site-wide and off-site impacts being undertaken to demonstrate that the scale of the proposal is appropriate in its specific setting. The masterplan does however set out the University's strategic approach to development and provides context for the assessment and determination of the current application.

Planning Consideration 1: Development in the Green Belt

The application site is located in the Green Belt and the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. New buildings within the Green Belt are generally inappropriate although the NPPF states there are exceptions to this including limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact than the existing development on the openness of the Green Belt and the purposes of including land within it.

Policy GB.1 of the Local Plan states that permission will not be given for development other than for specified purposes, except in very special circumstances. These purposes include, and subject to meeting specific conditions, the limited infilling or redevelopment of Major Existing Developed Sites (MEDS). Two parts of the University campus are designated as MEDS in the Local Plan, one of which includes part of the application site. Policy GB.3 of the Local Plan permits limited infilling or redevelopment within the MEDS unless: (i) it has a greater impact on the purposes of including land in the Green Belt than the existing development; or (ii) it exceeds the height of the existing buildings; or (iii) it leads to a major increase in the developed proportion of the site. With respect to Bath Spa University, Policy GB.3 (iv) (a) allows for limited infilling and redevelopment for educational uses and student accommodation in line with Policy HG.17. Policy HG.17 (iii) b) permits student accommodation where it lies within the Bath Spa University Newton Park Major Existing Developed Site as defined in Policy GB.3.

The supporting text to Policy GB.3 also notes that at educational establishments development may be necessary as part of ongoing changes and improvements to education helping to secure social and economic benefits to the local community. Further, the complete or partial redevelopment of MEDS whether redundant or in continuing use may provide an opportunity for environmental improvement e.g. through the removal of unsightly buildings and better integration of development with its surroundings. Redevelopment proposals will be considered within the context of the whole site and should be sensitive to their surroundings and take account of all relevant considerations.

The current planning application proposes student accommodation, car parking and energy centre that, other than in the context of Policy GB.3 and the criteria set out in that

policy, would be inappropriate development. Given the scale of the proposed development and the fact that the MEDS covers only part of the application site it is considered that the majority of the development proposed in the current application does not meet the criteria set out in Policy GB3. Accordingly the proposals represent inappropriate development and very special circumstances must be demonstrated and clearly outweigh the resultant harm arising from the proposed development if permission is to be granted for it.

Also relevant is Policy GB.2 which states that permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction.

Very Special Circumstances

The applicant in their Planning Statement acknowledges that development in the vicinity of the existing car park would cause harm to the Green Belt, its openness and some of the purposes for including land within it. However, they contend that when compared with the existing position, and when the 'un-development' (i.e. removal of existing buildings) in other parts of the MEDS is taken into account, there is a positive benefit to the Green Belt and the purposes of including land in it. They also conclude that the development will bring slightly positive benefits to the landscape, views and historic interest of the area. In addition, the proposals will result in a well-planned southern campus with well-defined boundaries that will appear as a contained development in the Green Belt and which is consistent with the protection and enhancement of the parkland setting. They also contend that there is a compelling need for the student residential development at Newton Park and the consolidation of facilities supports the implementation of Draft Core Strategy Policy B.5 to provide with good quality, campus accommodation close to the academic and social facilities of the University. The benefit in terms of reducing pressure on the housing stock of Bath, and reducing the overall number of students that have to travel to the Newton Park Campus and thereby bring benefits in terms of sustainable travel that the provision of student residential accommodation at the Newton Park Campus will deliver is also identified.

The case set out by the applicant has been assessed by Officers and whilst the Policy B5 of the Draft Core Strategy is in principle supportive of the University's development strategy at Newton Park, this is subject to various conditions. Given the status of the Draft Core Strategy some weight can be given to the argument that the development supports the implementation of Policy B.5 of that document however until that document has completed the Examination process and has been adopted the statutory development plan is the current Local Plan and policies within it have primacy in the determination of this planning application. In addition, given the scale of development proposed and even taking account of the removal of selected buildings on the site Officers consider it is arguable whether the development will have a positive benefit to the Green Belt and the purposes of including land in it. These matters are considered below.

Of greater relevance to the very special circumstances case is considered to be the issue of the need for more purpose-built accommodation and the availability of alternative sites to deliver the University's plans to improve both the academic and residential facilities for students. As noted above, University facilities including student accommodation are currently located on a number of sites. Following a detailed review of the facilities the University concluded that the most appropriate development strategy was to consolidate

its activities and to do so at Newton Park. This review included the option of taking space on non-Green Belt sites within Bath however no suitable sites were identified. Given that around two-thirds of students and staff are already based at Newton Park there is a clear logic to this strategy and with the provision of new residential accommodation on the site it has the potential to contribute a more sustainable operation overall, by reducing the need for travel to and from the site as well as easing pressure on other accommodation within Bath. The assessment of alternative sites is summarised in the application documents and Officers are satisfied that no feasible alternative sites exist in the local area or within the University campus. For example the option of developing only within the MEDS (and in accordance with the criteria set out in Policy GB.3) would be highly likely to result in either a limited amount of accommodation being provided (and therefore contribute only marginally to addressing wider sustainable development objectives) or have a significant and unacceptable impact on the heritage assets of the site. Accordingly subject to an acceptable form of development coming forward the University's overall development strategy of consolidation at Newton Park and providing development within the southern part of the campus is supported in principle by Officers.

One of the planks of the very special circumstances case presented by the University relates to the 'un-development' of parts of the existing complex of buildings and other development on the campus. Whilst there are acknowledged benefits to aspects of this process such as opening up previously developed parts of the site, restoring the openness of the Green Belt in these locations, and contributing to the restoration of parts of the historic landscape, this needs to be put into perspective. The planning application for Phase 2 proposes approximately 12,250m² of new floorspace, with 3,150m² to be demolished giving a net addition of over 9,000m² of floorspace, the majority of which is located outside the MEDS. In the 2012 masterplan the University is proposing some 11,000m² less floorspace than in previous iterations of the document and whilst the scale of development in the 2010 masterplan was not endorsed by the Council this 'reduction' is welcomed. Although the masterplan is not being submitted for approval, should permission be granted for the Phase 2 development it is recommended that the floorspace figures in the current masterplan are formally acknowledged in the Council's decision by way of Informative.

The University is proposing that much of the 'un-development' in this part of the campus generally occurs by 2016, i.e. 1-2 years after the new accommodation has been completed and occupied in 2014/15 depending on the Phase 2 construction programme. In previous iterations of the campus masterplan the scale of demolitions in the southern part of the site was more significant than currently proposed (including the proposed removal of Stanton, the Student's Union building and Wellow and Twinhoe) however this was offset by new buildings in similar locations. The scale and timetable for demolitions has been tested by Officers and the University has provided an explanation for their retention based on operational requirements and the viability of demolishing buildings that are not redundant or have a specialist use for which alternative space is not currently available. In addition in discussion with Officers the timetable for demolitions has been adjusted to bring forward elements of this process. Whilst the University is now proposing to retain buildings previously earmarked to be removed it is considered that in the context of the overall development/un-development equation, the revised timetable for demolitions and the overall development strategy for Newton Park set out in the current masterplan this approach is acceptable. The University has made commitments to a timetable for the removal of specified buildings that will be secured through a s.106 agreement.

In terms of the potential sustainability benefits of providing additional student accommodation at Newton Park (discussed below in terms of transport) it is considered that the co-location of facilities and reducing the need to travel (as well as freeing-up independent accommodation within Bath) has the potential to contribute towards this outcome. However the University acknowledge that as a consequence of Phase 2, car parking demand at Newton Park is likely to reduce by an estimated 100 spaces and anticipate that completion of the residential accommodation will kick start that process. Accordingly the sustainability case would be stronger if the level of car parking on the site on completion of Phase 2 was lower than the 776 spaces as existing and also the timescale over which parking levels were to be lowered further was reduced. The University has confirmed that they have plans to reduce parking levels and have proposed a review mechanism to achieve this however Officers consider that the number of spaces to be provided as part of Phase 2 and details of the review mechanism are both matters on which further discussion is required to find an acceptable solution.

Subject to reaching agreement on parking levels and the programme for reducing them it is considered that i) given the overall sustainable development benefits of providing additional student accommodation at Newton Park through consolidation of activities on the campus and consequential reduction in the need for travel, ii) in the absence of feasible alternative sites on or off-site, and iii) the Green Belt and heritage benefits of the associated 'un-development' and landscaping works then the harm to the Green Belt by reason of inappropriateness is clearly outweighed by the very special circumstances for the proposed development.

Impact on the Green Belt and Purposes of including land within the Green Belt

Given the remote and contained nature of the University operations within Newton Park it is considered that the development will not contribute materially to the unrestricted sprawl of urban areas, will have no impact (either positive or negative) in preventing neighbouring towns from merging and will preserve the setting and special character of Bath. The proposed development will also be neutral in relation to assisting in urban regeneration.

The proposed location of the new residential accommodation and associated facilities is at the southern end of the campus and largely on an area currently occupied by a surface car park. This area is generally free of buildings other than those that form part of the original house and its out-buildings plus some more recent development associated with the University's operations. Existing buildings are generally clustered together and covered by the MEDS designation in the Local Plan. The proposed development will introduce new buildings of a significant scale over a large area, the majority of which will lie outside the MEDS and it will also retain extensive areas of surface car parking. Although the overall layout, design, materials and landscaping will provide some mitigation the buildings and car parking will be clearly visible, particularly in winter when trees and hedge planting will provide less of a screen for the development. This will impact on the openness of the Green Belt.

In terms of encroachment into the open countryside, as noted above whilst selected buildings located within and outside the area of the MEDS will be demolished as part of the proposed development and have the effect of restoring the historic landscape (as well as reinforcing the separation of the two MEDS), the proposed development will introduce new buildings within an area generally free of buildings, albeit currently occupied by a

large area of surface car parking. The new buildings will extend beyond the footprint of the existing car park (including minor encroachment into areas not currently developed) however the layout of the proposed buildings is generally contained within the area of the existing car park or other operations and will draw back marginally at its southern end. Therefore whilst bulk and mass is introduced in this area it is considered that the buildings and associated landscaping will have the effect of shielding and containing an existing open, un-landscaped car park with development more appropriate to the setting.

In the circumstances it is considered that although the proposed development will result in encroachment into the open countryside, when seen in the context of the existing situation (surface car park) and the landscape benefits that the development will bring the proposals will have a minor negative impact on the purposes of including land within the Green Belt.

Conclusion

The proposed development represents inappropriate development, will impact on the openness of the Green Belt, and result in encroachment into the open countryside. Very special circumstances for the development have been identified and on balance, and subject to the acceptable resolution of outstanding matters regarding car parking then Officers consider that a case for such development within the Green Belt has been demonstrated.

Planning Considerations 2: Impact on the Setting of Listed Buildings and Historic Park (including detailed design considerations)

As has been noted above the application site is located within a historic and sensitive environment in terms of listed buildings, their setting and the wider historic parkland. Development on the campus generally, and in this location and close to the Main House in particular, therefore needs to ensure that the special character and qualities of the site and its assets are preserved. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and any harm or loss should require clear and convincing justification. Where a development will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal.

English Heritage has made detailed comments on the current proposal and these have been set out in full earlier in this report. In the main these are supported by Officers, in particular the concerns regarding the proposal to locate a netball court in the Walled Garden and the scale of car parking and its impact on the setting of listed buildings and the development generally. The proposed netball court in the Walled Garden and car parking is considered below.

Proposals to provide student accommodation at the southern end of the campus have formed part of the University's development strategy for Newton Park following a review of operations and estate holdings, and form an integral part of its Newton Park Campus Masterplan. The Draft Masterplan (2010) proposed the construction of residential buildings around the perimeter of the existing Walled Garden however following strong concerns expressed by English Heritage, Natural England, the Council and other consultees the University and its design team examined alternative solutions. This led to the concept of creating a large courtyard on and around the existing surface car park in

this part of the site. Following a series of workshops (including with the Duchy of Cornwall) proposals for a series of courtyards was developed. In parallel initial proposals for three (full) storey buildings was refined, instead drawing on the scale and form of the existing listed Stables and Dairy buildings. This resulted in two-storey buildings with a third floor of accommodation within the roof. This approach forms the basis for the current application with the central courtyard framed by buildings on three sides, the longest (72m in length) being those to the north and south of the courtyard and two shorter blocks (each 45m) to the north and the southern end largely open. Two shorter buildings at the southern end terminate, and provide a degree of enclosure to, the main space between which accommodates a surface car park. Individual buildings adjacent to the Dairy and Stables (and adjacent single-storey Sophia building) create smaller courtyards.

The blocks comprise two 'back-to-back' buildings each with a pitched roof and taking its basic scale and form from the Dairy building. This results in an elevation with two gables at the end of each block. The space between the pitched roofs is largely filled in by a lower element (referred to by the architect as a 'gusset') that spans between the two pitched roofs just below the ridgeline. The space below accommodates the plant and equipment that serves each house and small roof lights provide daylight to the internal staircases. The ground floor comprises a shared kitchen/living area plus two bedrooms with four bedrooms on each of the first and second (roof space) floors. In elevation the buildings have large windows with a horizontal emphasis at ground and first floor level with similar sized windows as rooflights in the pitched roof. The ground and first floor are predominately textured roughcast render with powder-coated aluminium windows. Those at first floor level have reconstituted stone surrounds (reflecting the style of the windows to the Stables and Dairy) with the windows similarly positioned immediately below the gutter line and with a reconstituted stone strip at the eaves level picking up on the existing buildings. The roof is clad in patinated zinc.

The two longest blocks to the north and south of the main courtyard are broken by gables and walkways at ground level (providing pedestrian access through the blocks) and the two southern blocks also have gables facing onto the open countryside. Following discussions with Officers further design details have been added to the blocks including windows to the gables and further definition of the individual houses to assist in breaking up the overall mass of the buildings and what might otherwise be a somewhat monotonous appearance. In addition the height of the gusset has been reduced slightly and set back further from the gable ends of buildings so that it is less dominant. Whilst further reduction of the gusset would be desirable the University has explained that the dimensions are dictated by operational requirements and on balance Officers consider that the overall design approach is acceptable. Particular issues relating to buildings adjacent to listed buildings are discussed below.

A defining feature of design strategy for the new residential accommodation is that it replicates a 'house' type of a common scale, massing, design and materials. Although the buildings are based broadly on the massing of the Dairy and Stables this scale is in fact doubled in width and with the gusset roof in-fills results in buildings of a considerably greater bulk. Whilst this might be acceptable in locations away from the listed buildings on the site, Officers had reservations about this approach close to the listed buildings and to the Stables in particular which includes lower and smaller scale elements. In response to these concerns the application has been amended to remove one 'house' (10 bed spaces) from the block closest to the Stables (Block 8). Whilst this change is marginal, particularly

given the overall scale of development, it does provide a wider gap and more of a 'breathing space' between the new development and the existing listed buildings. This change will also allow glimpses through from the Stables to the Walled Garden and Vinery Wood beyond which is a distinctive feature of the existing situation. As part of this review there has also been reconsideration of the materials to be used in the blocks closest to the Stables and those forming a courtyard with the Dairy and these buildings will now use a reconstituted stone at ground floor with render at first floor. These changes are considered acceptable and address concerns raised by Officers.

In terms of the proposed architectural solution, given the scale of development proposed then the adoption of a modern building style, informed by the scale of the existing buildings but not mimicking their detailed design or materials, is considered an appropriate response. The move away from buildings three full storeys in height and the adoption of a building height and form that references that of the Stable/Dairy buildings has enabled a more acceptable built form to emerge. Whilst it has been suggested, for example by English Heritage, that the buildings closest to the listed buildings should be of a smaller scale and of a 'bespoke' design it is considered that the approach that has been adopted (and incorporating the amended design details and changes to Block 8) is acceptable.

The overall impact of the development on the historic parkland setting is a balance between on the one hand the positive benefits arising from the removal of some of the modern and poorly located buildings that obstruct views of the historic landscape and buildings within it as well as the proposed landscaping and tree-planting as part of Phase 2, and on the other the harm caused by the incursion of buildings into open parts of the site and their relationship to the historic buildings and their setting. The ES considers this in detail through a Landscape and Visual Impact Assessment, including an assessment of the historic landscape. This assessment draws on an analysis of the cultural and natural heritage value of Newton Park (undertaken as part of the University's Conservation Management Plan) which also includes proposals to conserve the special significance of the landscape which is taken to be the 18th century landscaped park attributed to Capability Brown and the restoration of the earlier formal landscape that preceded these works. Also of relevance is planting being undertaken within Newton Park as part of a DEFRA funded Higher Level Stewardship Scheme.

The impact of the development is reported in the ES in terms of the existing landscape and visual character of the application site from a number of viewpoints. The ES includes photomontages from six locations showing the existing condition and with the proposed Phase 2 development completed, and the majority of the views were assessed in winter and summer to take account of the seasonal effects. Views of the campus and Phase 2 development from outside the application site are particularly apparent from Clay Lane (on higher land to the south) as well as from public footpaths to the west. In these views the proposed development will introduce buildings into what is currently an 'open' part of the site although during term time cars parked in the surface car park are clearly visible. The permanence of the proposed buildings will change this, although the topography of the local area and the fact that it is bounded and largely contained by woodland mean that the impact is reduced, with ridge of the roofs of the new buildings below the tree line. The distance between public viewpoints and the new development further reduce its impact. Within the site the removal of buildings and (in due course) parking will place buildings further from the Main House and views along the drive (travelling south/west) will be improved by the removal of recent buildings.

The most significant impacts are the views to and from the Stables and Dairy which will be significantly altered as a consequence of the proposed development and this has been discussed above. The creation of a series of courtyards of differing sizes is considered appropriate and with the proposed changes to Block 8 and building design and materials is considered acceptable.

Whilst the current application proposes the retention of a number of buildings that the Draft Masterplan (2010) had indicated would be removed, the overall scale of development within this part of the campus is reduced from that previously proposed. It is considered that the layout of the buildings is considerably improved from the Draft Masterplan and that buildings to be retained do not generally impact significantly on the historic park. The overall configuration of buildings forms a reasonably coherent complex and it is considered that the containment of the buildings will mean that the special character of the wider historic park will be preserved. In addition it is considered that the combination of removal of modern and insensitively located or designed buildings (such as the Vice Chancellors Lodge, Corston and Newton), the removal of car parking (such as that currently to the east of Newton) and new tree-planting to restore and create avenues extending from this part of the campus will result in improvements to the appearance of the historic parkland. Whilst the timescale for some of the demolitions and the bringing out of use and re-landscaping of existing car parks is over a 4-8 year period, in the medium to long term the changes will be beneficial. The University has undertaken to carry out this 'un-development' to an agreed programme and this will be secured through a s.106 agreement. It is also considered appropriate that no new development takes place on the campus until this un-development is complete to ensure that the balance of benefits within Phase 2 is achieved.

The visual presence of buildings in this part of the site also needs to be weighed against the existing condition (an extensive surface car park) and the overall public benefit of the proposals. The overall impact of the development on the setting of the listed buildings is considered acceptable, and the application and ongoing Conservation Management Plan provide for further enhancement of the historic landscaped park. The proposed finishes of the new buildings are not those of the listed Stables or Dairy but it is considered that given the design approach to the buildings the materials and colour palette is acceptable. In reaching this conclusion Officers have had regard to the detailed advice from English Heritage as well as the views expressed by Bath Preservation Trust and Avon Gardens Trust. It is considered that the Senior Landscape Officer's concerns regarding Block 8 have been satisfactorily resolved and the concerns regarding the surface materials can be dealt with by condition.

Walled Garden

The application proposes that one quadrant of the Walled Garden is used as a netball court that will require the laying of an appropriate surface in this part of the garden. The University has clarified that this would be 'sports turf' (previously unspecified on the application drawings) and that there would be no permanent structures or lighting required (although there is also reference in application documents to demountable netting). Whilst the social use of the Walled Garden by students is supported, the introduction of active sports will change the character of what is currently a relatively tranquil space. This though needs to be set against the fact that the Walled Garden will form an integral part of the University campus in close proximity to student accommodation. Whilst greater use of

the Walled Garden by students is, in principle, to be supported (including re-use of existing buildings as changing rooms) Officers have questioned the principle and detail of siting of the netball court including surface treatment and management and further information is awaited from the University. A netball court is currently located on the existing car park, approximately in the location of the proposed 'bastion' at the western end of the development. English Heritage has objected to the netball court being re-provided in this location or other locations to the west of the Walled Garden and have also stated that the provision of a netball court within the Walled Garden is unacceptable. The University has sought to demonstrate that there is no suitable alternative location for the netball court however Officers consider that the space allocated for car parking adjacent to Stanton in the new layout (see below regarding parking provision) could be used instead for the netball court.

As part of the consideration of the overall balance of impacts and benefits of the proposed development the Council and consultees have identified the need for restoration works to the former glasshouse within the Walled Garden to be an integral part of development within the southern part of the campus. The Phase 2 application does not include specific proposals to restore this structure however the University has committed to submitting a scheme for restoration works and a proposed timetable for implementing the scheme. Subject to agreement on the details and this being secured through a s.106 planning obligation this approach is considered acceptable.

The application site and wider setting includes significant heritage assets and the impact of the proposed development on these assets has been assessed by Officers including the comments from statutory and other consultees. Subject to satisfactory resolution of the location and specification of the netball court and car parking (see below) it is considered that the development will not result in substantial harm to the designated heritage assets and that any harm is outweighed by the wider public benefits of the proposed development.

Planning Considerations 3: Impact on the ecology of the site

The findings of the desk study and Extended Phase 1 Habitat Survey (with additional surveys for amphibians, bats, terrestrial invertebrates, reptiles, dormouse and badgers) reported in the ES identified the presence of a number of European protected species and other locally important species and habitats. Whilst there are no statutorily designated sites within the campus (the nearest SSSI and SAC are over 5km away) the campus does fall within the defined Bat Protection Zone identified in the Local Plan.

The ES concludes that there will be no impact from the development on nationally or internationally designated sites however the development will affect important habitats within the site, in particular those of great crested newts and bats. Mitigation is proposed including translocation of newts from the Walled Garden to more suitable and enhanced aquatic and terrestrial habitat and this process would be controlled through a license from Natural England. In the case of bats there is a roost within the Vice Chancellor's Lodge that will be lost when this building is demolished with mitigation being provided through the provision of new bat roosts within the development. Any loss of habitat would also be controlled through a license from natural England. The ES concludes that other impacts such as disturbance during construction and following completion of the Phase 2 development as well as light spill from new buildings can be mitigated through construction management and detailed design.

The presence of European protected species on the site (bats and great crested newts) is a material consideration in the determination of this application and works affecting the bat roost within the Vice Chancellor's Lodge and ponds and habitat where newts are present will require a European Protected Species license. Before making any decision to permit the development, the local planning authority must demonstrate that it is satisfied that the 'three tests' set out in the Conservation (Natural Habitats, and c.) Regulations 1994 and EU Habitats Directive have been met. The three tests are outlined below along with a considered view on whether they are capable of being met.

1. Regulation 44(2)(e) - 'The Purpose Test' - does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment? Whilst there are no specific public health or safety reasons for the proposed development, the restoration of the historic parkland setting by the removal of the Vice Chancellor's Lodge represents a beneficial outcome of development that should be weighed against the loss of the roost. In addition the provision of student accommodation meets an identified need and will contribute to a more sustainable operation of the University's activities that is in the wider public interest. On balance it is considered that an overriding public interest can be demonstrated, capable of meeting the first test.

2. Regulation 44(3)(a) The 'No Satisfactory Alternative Test' - there is no satisfactory alternative to the development as proposed. Options for the development of the student accommodation have been assessed and, within the context of the scale of development proposed, the layout is considered to be the most beneficial in terms of reducing and mitigating impacts on protected species. One alternative to the proposed development would be to leave the Vice Chancellor's Lodge in place however it is considered that this would fail to achieve the benefits that the scheme delivers in terms of restoration of the historic landscape. Another alternative would be a smaller scale of residential accommodation however given the location of bats roosts and flight paths this is unlikely to significantly change the nature or scale of the impacts and would also reduce the overall sustainability of the proposals in terms of reducing the need to travel to/from the site. In the circumstances the most appropriate option is considered to be the scheme as proposed, which includes replacement roosts for the bats and ponds and habitat for the newts as well as other complementary mitigation measures. In the circumstances it is concluded that there are no other satisfactory alternatives and this test has been passed.

3. Regulation 44 (3)(b) - the action authorised will not be detrimental to the maintenance of the population of the species concerned as a favourable conservation status in their natural range. Natural England and the Council's Ecologist have considered the mitigation measures proposed by the applicant, and subject to these measures being implemented it is considered that favourable conservation status of bats and great crested newts can be ensured. The details of mitigation measures to avoid harm to protected species will be secured by condition (and by way of a license from Natural England) and in light of this, and in the absence of any information to indicate otherwise, the proposals are considered to meet the third test.

Overall the development is therefore considered to meet the three tests set out in the Conservation (Natural Habitats, and c.) Regulations 1994 and EU Habitats Directive.

The application proposes new lighting within the area of development including to the car parking and buildings. Given the ecological sensitivity of the site the application proposes a lighting strategy including minimising light spill from new residential buildings onto adjacent woodland edge, avoiding light spill into the Walled Garden and ensuring that the route from the Walled Garden to Vinery Wood remains unlit. Lighting of the car park to the west of the Stables will be lit by directed, pole-mounted lighting so that all lighting is below eaves level and directed downwards. A condition is proposed requiring details of lighting to be submitted and approved to ensure acceptable details are incorporated into the development.

The proposed development will involve the loss of over 60 trees within the application site predominantly along the edge of Melancholy Wood, and adjacent to Stanton and the Student Union building. The proposals will also result in the loss of a prominent, mature walnut tree between the Dairy and Walled Garden however it is in only fair to poor condition. The application proposes new planting within the site and historic avenues of trees will also be re-planted. The Council's Arboriculturalist is satisfied that, on balance, the proposals are acceptable subject to implementation of the proposed planting scheme.

Policy NE.10 of the Local Plan states that development that would adversely affect species that are internationally or nationally protected, or the habitat of such species, will not be permitted. In this case it is considered that although the development will impact on protected species and their habitats appropriate measures are proposed to mitigate, as far as possible, these impacts during construction and also through the provision of new habitats in the new development. Natural England and the Council's Ecologist have been working with the University and its environmental consultants to identify impacts and potential mitigation and concur with the findings of the ES. Subject to implementation of the proposed mitigation (controlled via conditions) then no objection is raised to the proposed development on ecology grounds.

Planning Consideration 4: Wider Implications of the Proposed Development

The University's decision to consolidate activities and facilities at Newton Park, and in particular to increase on-site student accommodation from 400 bed spaces to around 1,000, will enable students who would otherwise live in accommodation off-site and need to travel to and from Newton Park to be based close to the main University facilities. The University's objective is to provide on-site accommodation for First Year students of whom there are around 1,900 each year although not all will be seeking University accommodation. Providing the accommodation at Newton Park will also mean fewer students living off-site thereby freeing up student accommodation within Bath as well as housing in the independent sector and also reducing the amount of travel between the city and Newton Park. This strategy as set out in the Campus Masterplan will have benefits for the city as well as for University operations, and is supported by Officers. Whilst the ability to achieve the figure of 1,000 bed spaces at Newton Park is dependent on acceptable proposals coming forward for Phase 3 of the Campus Masterplan the current application will provide a net addition of 489 spaces, providing a total of 883 at Newton Park, and contributing significantly to that target.

Students living off-site are accommodated in a range of accommodation including purpose built space such as Waterside Court and Charlton Court in Bath as well as in independent accommodation likely to be in and around Bath. Students living at Waterside Court and Charlton Court are prevented from having cars (and parking at Newton Park) and all of the

new accommodation at Newton Park will be car free other than for those with a special need. As a consequence, parking on site will be to accommodate staff and those students living in independent accommodation off-site and who travel by car rather than using public transport or cycling/walking. There are currently 776 car parking spaces on site and travel surveys have indicated that the current level of car parking across the Newton Park Campus is used to capacity at times of peak parking demand, although this only tends to be for a few hours each day during University terms. The University proposes this number is provided as part of the Phase 2 development, reducing to 691 spaces in 2020 following removal of the existing parking to the east of Newton.

The site is currently served by two bus routes, which provide regular services between the Newton Park and Bath city centre including extended hours in the evening. The University acknowledge that the provision of additional residential accommodation at Newton Park is likely to result in a reduction in car trips to the site by students and the University's transport consultants have estimated a reduction from the current situation of around 100 cars over a typical weekday. The precise number is difficult to estimate as it is unclear how many Second and Third Year students in independent accommodation off-site would take the opportunity to take space at Waterside Court that would be otherwise be occupied by First Year students but Officers consider this is a reasonable estimate.

As noted by the Council's Highways Officer there is no objection to the proposals in terms of off-site impacts and subject to conditions regarding construction management the proposals are acceptable. There is however an issue regarding the level of on-site parking in terms of the impact on the setting of listed buildings but more particularly the implications for the very special circumstances case for inappropriate development in the Green Belt that is predicated to a significant degree on the overall sustainability of the proposed development. The University has its own Travel Plan that seeks to encourage non-car modes of travel and is proposing a review mechanism and strategy to reduce parking provision on site over the medium term (5-8 years). This includes a commitment as part of the current application (and to be secured through a s.106 agreement) to reduce parking by 66 spaces by 2020 through the removal of the existing car park to the east of Newton. However the University has resisted proposals to start from a lower base figure.

The consequence of seeking to re-provide the existing number of spaces within the new development results, to quote English Heritage, in buildings 'like islands in a sea of cars'. Whilst there is some relief to the visual impact of the car park within the central courtyard through the creation of four distinct areas of parking separated by a new tree avenues and spatially defined by hedgerow and espalier planting, Officers concur with English Heritage's view and have sought to examine ways to reduce parking numbers to address the issue of locating parking in sensitive locations adjacent to listed buildings and existing woodland, reduce the overall visual impact of the parking and improve the overall sustainability for the development. The University has proposed reinforced grass at the perimeter of the site adjacent to Melancholy Wood to reduce its visual impact and this is considered to be an appropriate material however this does not overcome the fundamental issue of the overall quantum being provided. Of particular concern is the parking within 'Stables Court' and 'Dairy Court'.

Officers understand and appreciate the case made by the University regarding its competitiveness and the challenges of changing travel patterns, as well as its reluctance to impose parking restrictions during the disruption of the Phase 2 construction process.

However simply re-providing the same number of spaces as existing, albeit with a commitment to reduce the number of spaces in the medium term, is regarded as a missed opportunity in terms of promoting sustainable modes of travel. Accordingly it is recommended that whilst the broad location of parking spaces is approved, the number of car parking spaces, their precise location and the programme for a reduction are subject to further agreement. This would be secured by condition (parking layout) and a s.106 planning obligation (removal of spaces).

Planning Considerations 5: Other Issues

Site Access

Newton St Loe Parish Council has expressed concern regarding the future use of the drive access to the university from the village and refer to undertakings regarding the phasing of new development and works to Corston Drive. The University's masterplan is proposing the closure of the Newton St Loe access to vehicles (other than for emergency use) and there is an ongoing scheme for the widening of Corston Drive. The use of the Newton St Loe access is already restricted and subject to confirmation of this arrangement. Officers do not consider that determination of the current planning application is dependent on completion of the works to Corston Drive.

Noise

The ES identifies potential noise sources and receptors (both on and off site) that might be affected during construction and operation of the development and noise monitoring has been undertaken at selected locations, including off-site properties closest to the application site including a location in Newton St Loe, Corston and Clay Lane. Newton St Loe Parish Council have suggested an alternative location however the property assessed for the EIA is closest to the new development. The ES notes that site preparation, demolition and construction have the potential to impact on existing and proposed sensitive receptors and a Construction Management Plan (CMP) and Construction Environmental Management Plan (CEMP) are proposed to control and mitigate any impacts. The ES concludes that, with mitigation, noise impacts not be significant, with no significant effects predicted at sensitive receptors outside the campus. Notwithstanding this conclusion, the Council's Environmental Protection Officer has recommended a condition be imposed regarding hours of operation and noise levels. The ES also concludes that as there will be little or no increase in traffic on and around the site as a result of the Phase 2 development there will be no significant impact due to traffic noise on the noise sensitive receptors.

Given the proximity of the new residential accommodation to the Student Union building there is the potential for disturbance of students within the new development. In terms of mitigation the ES identifies the upgrading the building fabric of the existing venue and limiting internal noise levels or design adaption to the new accommodation such as installing attenuated ventilation systems within the sensitive rooms of the student accommodation. In the absence of specific measures the Council's Environmental Protection Officer recommends a condition requiring the new buildings to achieve a specified level of noise attenuation.

Sustainability, Renewable Energy and Climate Change

The University is aiming to achieve a significant improvement in its energy efficiency and sustainability of its operations and is seeking to achieve a BREEAM rating of 'Excellent'. Renewable energy sources have been considered as part of this development and given

the sensitivity of the location and visibility of the buildings the use of photovoltaic panels on the roofs of the new buildings was discounted as an acceptable solution. PV roof tiles were ruled out on the grounds of expense. The current application therefore includes an Energy Centre that will house a biomass boiler and provide hot water and heating to the new student accommodation. This is considered an appropriate measure and its siting adjacent to the Estates Services facility is considered appropriate. The impact of the Energy Centre has been assessed in the EIA and will not result in unacceptable impacts in terms of noise or air quality or on the local ecology/habitats. The University has submitted a construction phase Site Waste Management Plan aimed at identifying waste streams and addressing them within the development programme and subject to implementation of the SWMP this is considered acceptable.

Archaeology

The archaeological significance of the application site and wider setting has been assessed based on a desk study and selected trial trenches. This shows that although the campus is dominated by the designed historic landscape of the 18th century the area had particular historical significance in the Romano-British, Saxon and Medieval periods. The most significant remains (St Loe's Castle and the Wansdyke) lie outside the application boundary however there are indications that there area still retains some buried archaeological deposits. There is limited evidence of former damaging land use that might reduce the survival of buried remains that may exist and the ES notes that some known deposits, of local significance, will be damaged or wholly removed during development resulting in a moderately large adverse effect on an asset of local significance. These effects will require mitigation as part of a programme of archaeological work to be agreed with the Council's archaeologist including all appropriate reporting and archiving of results and this can be secured by condition.

Air Quality

The proposed development does not increase the number of parking spaces on the campus and the ES notes that significant air quality impacts are not expected to arise from the any changes in road traffic as a result of the Phase 2 development or the Campus Masterplan as a whole. The design of the new buildings takes into account the fact that car parking will be located next to the buildings including fresh air ventilation inlets at roof level and the ES concludes that air quality impacts are not significant. Mitigation of any localised air quality impacts during construction (e.g. dust) will be incorporated in the Construction Environmental Management Plan. Potential impacts on air quality from emissions from the proposed Energy Centre have been assessed and conclude that the biomass boiler emissions are not likely to lead to any exceedences of air quality objectives, do not require further assessment, and do not provide any cause for concern or constraints to the development. The Council's Environmental Monitoring Technical Officer has advised that they have no objection on air quality grounds to the proposed biomass boiler.

Land Contamination

The overall conclusion from the desk study, targeted intrusive investigation and conceptual modelling reported in the ES is that there is a Very Low Risk of widespread potential contamination sources within the application site. The ES also concludes that should localised contaminant impact occur due to past agricultural usage, maintenance workshops/stores and the heating/power facilities within the current buildings this is likely to be restricted to the near surface soils. In the proposed development an area containing

raised levels of hydrocarbons will be developed as the Estates and Services facility, Energy Centre and storage and office accommodation. Notwithstanding the conclusion in the ES that the risks low, due to the sensitive nature of the development (i.e. residential/student accommodation) and previous use of the site the Council's Contaminated land Officer has advised that conditions requiring further assessment be imposed.

Flood Risk

A Flood Risk Assessment (FRA) of the proposed development has been undertaken and is reported in the ES. This concludes that the flood risk associated with the Phase 2 development is low due to its location in relation to surrounding watercourses. In addition the ES notes that sustainable drainage techniques in the development will reinforce and improve the existing drainage systems and reduce further the risk of downstream flooding. The Environment Agency has reviewed the FRA and advised that it has no objections to the proposed development subject to conditions relating to implementation of mitigation measures set out in the FRA and further details of the surface water drainage scheme.

Planning Obligations

Local Plan Policy IMP.1 together with the Council's adopted Planning Obligations SPD set out the policy context for considering planning obligations. Policy IMP.1 states that in determining planning applications, planning obligations may be sought i) where a particular form of development is required to comply with policy; or ii) to provide compensatory provision for what is lost or damaged as a result of the development; or iii) to mitigate an otherwise unacceptable impact of the development on local facilities and infrastructure; or iv) to overcome any other identified harm which would make the development otherwise unacceptable. The Community Infrastructure Levy (CIL) Regulations 2010 put certain of the Government's policy tests on the use of planning obligations set out in Circular 05/2005 on a statutory basis for developments which are capable of being charged CIL. In this case it is considered that the 'un-development' of parts of the site (demolition of buildings, removal of car parking and landscape restoration) and the agreed timing of those works is required to reduce the overall harm to the Green Belt of inappropriate development within it. In the accordance with the statutory provisions and policy guidance the proposed heads of terms for a Section 106 Agreement are set out below under Recommendation A.

Conclusion

The principal issues in this case are:

1. Proposed development within the Green Belt and any very special circumstances that would clearly outweigh the harm to the Green Belt of inappropriate development
2. The impact of the proposed development upon the Listed Buildings and their setting and the special character of the historic parkland of Newton Park
3. The impact of the proposed development upon the ecology of the site
4. The wider implications of the proposed development in terms of on and off-campus activities and associated transport movements
5. Other planning considerations including environmental impacts identified in the ES

Your officers have considered the submitted proposals, along with all the supporting information, including the ES and also the University's Newton Park Masterplan that provides the wider context for the current application. Consideration has also been given to the various matters raised by the statutory consultees and by other interested parties.

Having regard to all these matters Officers have concluded that subject to satisfactory resolution of the issues relating to i) the proposed netball court and ii) the level of car parking and mechanism for reducing this, the imposition of conditions, and securing of commitments to 'un-development', associated landscaping and restoration of the glasshouse within the Walled Garden then the current Phase 2 proposals can be supported and the application recommended for approval.

RECOMMENDATION:

If Members are minded to grant planning permission for the proposed development

(A) To refer the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and subject to the application not being called in

(B) Authorise the Development Manger to continue negotiations with the University regarding the proposed netball court within the Walled Garden and the number and location of car parking spaces and that subject to satisfactory resolution of these matters

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

1. Programme of Demolitions and Building Relocation

- Demolition of Newton, Corston and The Vice Chancellors Lodge
- Relocation of Newton Annex

2. Programme for the Restoration of the Walled Garden

- Demolition of structures on the external wall of the Walled Garden
- Submission of application and completion of works for the restoration of the Glasshouse

3. Programme for the Removal of Car parking Spaces

- Review mechanism for assessing parking demand/provision
- Removal of car parking spaces

(D) 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 Prior to the first occupation of the approved residential accommodation the temporary car park shown on IMA drawings ref. Figure 12.7 and Figure 12.8 shall be removed and the area laid out in accordance with a landscaping scheme to be submitted and approved by the local planning authority.

Reason: Retention of the car park will adversely affect the character and appearance of Newton Park, contrary to Local Plan Policies D.2, GB.2 and GH.9.

3 Notwithstanding the proposal for an all-weather games pitch/netball court within the Walled Garden (as shown on Hopkins Architects Partnership drawing 3212 and Nicholas Pearson Associates drawing NPA 10472 310), no part of the Walled Garden shall be laid out or used for that purpose unless and until a detailed analysis of alternative locations, details of the materials to be used and a management plan to control the use of the facility have been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the historic importance, purpose and integrity of the Walled Garden.

4 Notwithstanding the parking layout as shown on Nicholas Pearson Associates drawing NPA 10472 300, details of the number and layout of car parking within the application site shall be submitted to and approved in writing by the local planning authority prior to commencement of development.

Reason: In the interests of sustainable development and to safeguard the setting of the listed buildings and historic park.

5 Prior to the commencement of the development a Construction Management Plan including but not limited to the following: a programme of works; details of site access for all construction and construction-related traffic, contractor parking and on- and off-site traffic management; proposals for the management of deliveries including materials storage areas and stacking arrangements shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the safe operation of the highway and the site access road and to ensure that adequate provision is made for these matters, in locations that do not prejudice the character, appearance and ecology of Newton Park.

6 No development shall commence until a Biodiversity Management Plan covering the construction phase of the Phase 2 development and incorporating a Landscape and Habitats Management Plan for the entire campus covering the operational phase has been submitted to and approved in writing by the local planning authority (in consultation with Natural England). The Plan shall include all mitigation specified in the Environmental Statement. The submitted Landscape and Habitats Management Plan shall cover the operational phase for a minimum of ten years following the completion of Phase 2, and shall include a programme of monitoring and annual submission of data to the local planning authority.

Reason: To reduce and mitigate the impacts of construction and operation of the development on the biodiversity on the campus.

7 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 character and appearance of Newton Park.

8 No development shall commence until a sample panel of all external walling, roofing and paving materials to be used has been erected on site and approved in writing by the local planning authority. The approved sample panels shall be kept on site for reference until the development is completed.

Reason: In the interests of the character and appearance of Newton Park.

9 No development shall take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage and those of statutory undertakers, which have been submitted to and approved in writing by the local planning authority. Such details 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 major archaeological interest and the local planning authority will wish to protect the archaeological remains.

10 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 excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the local planning authority will wish to record and protect the archaeological remains.

11 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 has produced significant archaeological findings and the local planning authority will wish to publish or otherwise disseminate the results.

12 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the local planning authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

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

Reason: To ensure that the landscape scheme is implemented and maintained.

14 No works including demolition and site clearance, ground investigation and site surveys archaeological investigations, environmental investigations, decontamination and remediation (if any) site preparation, laying services and service diversions and investigations relating to these activities shall commence until the protective measures as stated in the approved Arboricultural Method Statement dated April 2012 have 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 referred to in Condition 14 shall take place except in complete accordance with the approved Arboricultural Method Statement dated April 2012 unless agreed in writing by the local planning authority.

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

16 No development shall commence until any Public Right of Way affected by the construction and operational requirements of the development has been formally diverted.

Reason: In the interests of safety and amenity.

17 Prior to the occupation of the development an updated 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 Travel Plan.

Reason: In the interests of sustainable development.

18 Prior to the occupation of the development, a Car Parking Management Plan shall be submitted to and approved in writing by the local planning authority. The car parking areas shall thereafter be operated in accordance with the terms of the Management Plan.

Reason: In the interests of sustainable development.

19 Having regard to Condition 4, 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. The spaces shall be formally laid out and marked prior to the occupation of the development.

Reason: In the interests of amenity and highway safety.

20 Noise from construction activities shall not exceed 75dB LAeq, 12 hr between 07.00 hrs and 19.00 hrs on Mondays to Fridays, or 75dB LAeq 5 hr between 08:00 hrs and 13:00 hrs on Saturdays, when measured at any point 1 metre from any facade of any residential accommodation.

Reason: To safeguard the amenity of residents during the construction of the approved development.

21 Noise from construction activities shall not be audible between 22.00 hrs and 07:00 hrs on Mondays to Fridays, 22:00 – 08:00 hrs on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation.

Reason: To safeguard the amenity of residents during the construction of the approved development.

22 On completion of the works but prior to any occupation of the approved residential development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To safeguard the amenity of residents of the approved development from noise from non-residential buildings in the locality.

23 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:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

24 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 prepared, and is subject to the approval in writing of 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.

25 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 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.

26 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

27 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority, 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 (Conditions 23, 24, 25, 26, 27): 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 in accordance with policy ES.15 of the adopted Bath and North East Somerset Local Plan 2007.

28 No permanent or temporary external lighting shall be installed or used on the site other than in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the interest of bats using the site and in the interests of the visual amenities of the campus.

29 No development shall commence 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. The scheme shall include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

30 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by IMA Transport Planning dated April 2012 and letter from Simon Weetch for IMA Transport Planning Ltd dated 14th June 2012 and the following mitigation measures detailed within these:

- Confirmation that the existing culvert across the site has been reconstructed or opened up completely, is in good condition and has sufficient capacity to take the surface water discharge from the new development.
- There must be no new buildings or structures over or within 5.0m of the existing culvert.

REASON: To reduce the risk of flooding from exceedance or blockages to the existing culvert and to maintain an appropriate access to the culvert for maintenance and/or improvements and ensure that no additional pressure is placed on the structure.

31 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:

A_BSU_001, 002, 003, 0210, 0212, 0213, 0214, 215, 220, , 230, 234, 240, 3000, 3010, 3011, 3012, 3013, 3020, 3021, 3030, 3032, 3050, 3051, 3055, 3056, 3100 B, 3101 B, 3102 B, 3103 B, 3104 B, 3120, 3150 A, 3210, 3212, 3215, 3220, 4001 A, 4002 A, 4003 B, 4004 A, 4100 A, 4101 A, 4120, 4150 A, 9004, 9005, A_BSU_SK_181, 183, 184 A, 198 A

NPA 10472 300 N, 310 C, 311 D, 312 D, 313 B, 314 D, 501 E, 502 E, 503 E, 504 C, 510 C, 400 F

ADVICE NOTE:

1. The planning application is supported by the Bath Spa University Newton Park Campus Masterplan (Revision 2, 27th April 2012).

2. The applicant is advised that approval of the proposed layout of the site does not amend or extinguish any existing public rights of way that exist on the site or adjacent to it and any works affecting public rights of way will require a separate application to be submitted to and approved by the Council before such works are undertaken.

3. Information required to discharge conditions relating to site drainage:

- A clearly labelled drainage layout plan showing the pipe networks, locations and sizes of all attenuation tanks and soakaways, where they discharge and how the discharge is limited. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes. Any outflow from the site must be limited to Greenfield run-off rates and discharged incrementally for all return periods up to and including the 1 in 100 year storm. The surface water drainage system must incorporate enough attenuation/infiltration to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development.

- Calculations showing the existing flows and capacity within the culvert and demonstrating that there is sufficient spare capacity to carry the additional surface water flow from the new connection. The receiving culverted watercourse must have sufficient capacity to take the surface water flows from the development, must be in good condition and able to convey flows into the watercourse downstream.

- A network design showing the amount of impermeable area contributing to the network and the amount of attenuation storage in the model.

- Simulations for the 1 in 2 year, 1 in 30 year and 1 in 100 year (plus an allowance for climate change) storms showing any surcharging or flooding of the system.

- If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

- Infiltration test results for each area of the proposed soakaways.

- Soakaway calculations based on the guidance in BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice".

- The adoption and maintenance of the drainage system must be addressed and clearly stated.

Reasons for Granting Permission:

1. The decision to recommend approval has taken account of relevant policies set out in the Development Plan and National Planning Policy Framework. The decision has also been taken into account other material considerations including emerging local planning policy and the responses from statutory consultees and those from other interested parties. The proposed development is in accordance with policies IMP.1 (regarding Planning obligations), D.2 and D4 (regarding design and public realm considerations), ES.1 and ES.2 (promoting energy conservation and sustainability), ES.5 (requiring satisfactory drainage), ES.9, ES.10 and ES.12 (guarding against pollution and nuisance), HG.17 (promoting student accommodation in sustainable locations), GB.1 GB.2 and GB.3 (regarding development within the Green Belt), NE.1 NE.10 NE.11 NE.12 and NE.15 (protecting landscape character and habitats), BH.2 BH.9 BH.11 and BH.12 (safeguarding

heritage assets including archaeology), T.1 T.3 T.5 T.6 T.8 T.24 T.25 and T.26 (promoting sustainable transportation modes and highway safety including Travel Plan initiatives) and Policy B5 of the Draft Core Strategy (supporting the focusing of university development on the two university campuses).

2. The decision to grant permission has had regard to the environmental information received by the local planning authority in association with this application. In the light of the information submitted in the ES including the proposed mitigation the development is not considered to have an adverse impact on the ecology, landscape, amenity or character of the site and local area such as to justify the refusal of planning permission. The development is not considered to have any unacceptable flood, drainage, pollution, noise or health impacts.

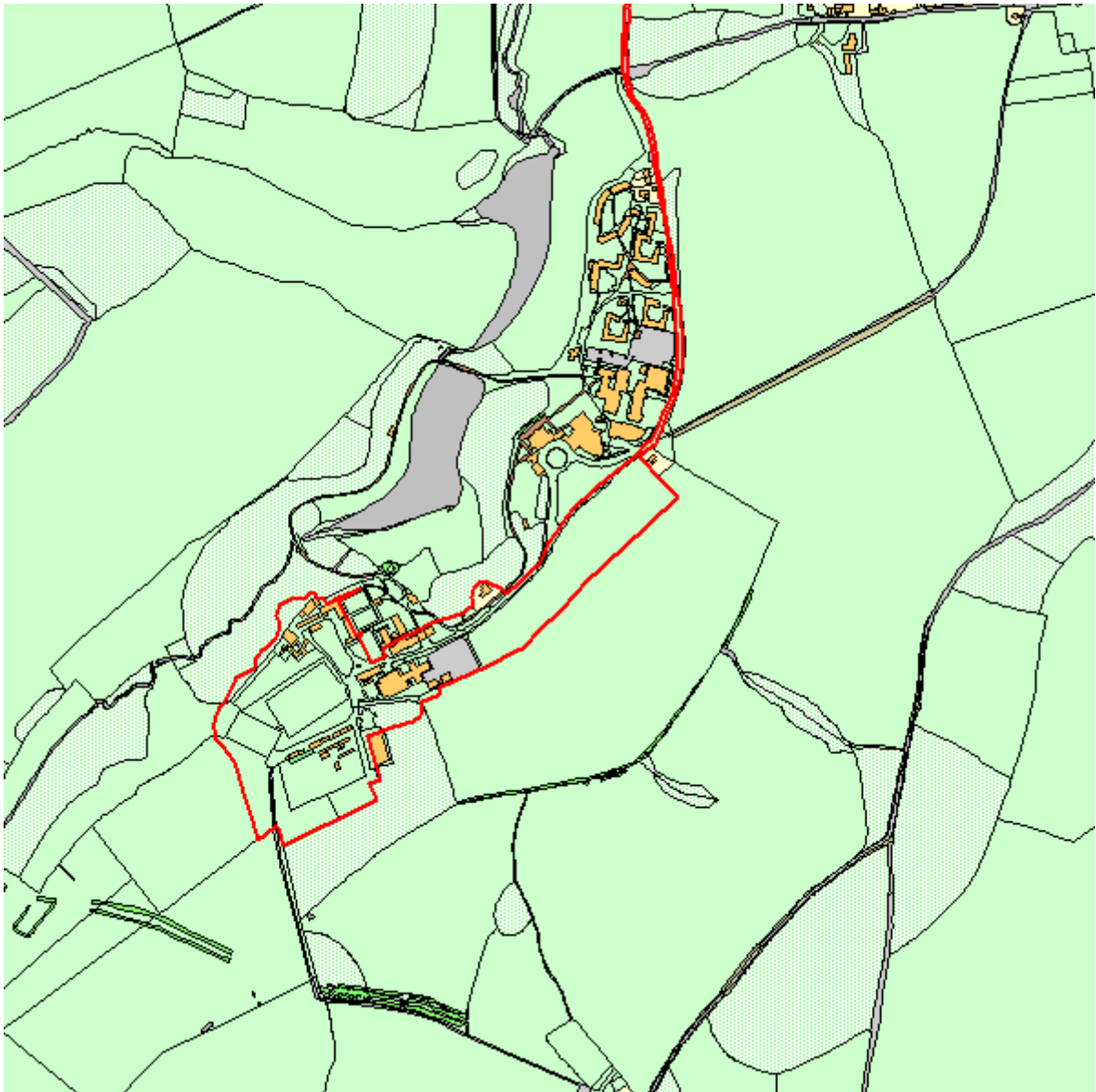
3. The development represents inappropriate development in the Green Belt contrary to National Planning Policy Framework and policies GB.1, GB.2 and GB.3 of the adopted Local Plan however it is considered that very special circumstances have been demonstrated for the proposed development. The impact of the proposed development on the purposes of including land within the Green Belt has been assessed and it is considered that whilst the openness of the Green Belt in this location will be affected, any harm is outweighed by the on site and wider benefits of the development. Accordingly a departure from development plan policy is justified in this case.

4. The requirements of the European Habitats Regulations have been taken into account and whilst bat roosts will be affected by the development, based upon the advice of Natural England and the Council's Ecologist the local planning authority is satisfied that Natural England will grant a licence for the works to proceed. Further it is considered that, with mitigation, other European Protected Species and nationally and locally important species and habitats will be safeguarded.

5. It is considered that the scale, siting and design the development complies with the Policy D.2 and D.4 of the Local Plan and will not adversely impact the special character of the Registered Park, the setting of listed buildings on the site or the archaeological significance of the site including the adjacent Scheduled Ancient Monument.

6. Subject to compliance with the conditions set out in this permission and implementation of the commitments set out in the s.106 agreement the proposed development is considered acceptable.

Item No: 03
Application No: 12/02142/LBA
Site Location: Street Record, Bath Spa University Campus, Newton St. Loe, Bath



Ward: Bathavon West

Parish: Newton St. Loe

LB Grade:

Ward Members: Councillor David John Veale

Application Type: Listed Building Consent (Alts/exts)

Proposal: Creation of new openings to the Walled Garden at the southern end of the Newton Park Campus; demolition of the adjoining lean-to buildings to the north of the Walled Garden (excluding the Boiler House); external and internal alterations to the western end of the Bothy extension within the Walled Garden to create new changing rooms and the erection of gate within the open passage to the eastern end of the Bothy. External and internal alterations to provide a new laundry in Sophia and internal alterations to improve the

	existing changing rooms in the Boiler House. Creation of small new opening at the base of the northern wall to the Italian Garden (Grade II* Listed) to provide access for Great Crested Newts.
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Cycle Route, Forest of Avon, Greenbelt, Listed Building, Major Existing Dev Site, Natural Historic Parks and Gardens, Protected Recreational, Public Right of Way,
Applicant:	Carolyn Puddicombe
Expiry Date:	29th June 2012
Case Officer:	Caroline Waldron

REPORT

The application relates to Bath Spa University's main campus at Newton Park, Newton St Loe. The focus of the campus is the grade I listed Newton House designed circa 1765 designed by Stiff Leadbetter set within a Capability Brown landscape park which is included in the English Heritage Register of Parks and Gardens of Special Historic Interest.

Since 1945 when Newton Park was first established as a teaching training college use of the campus has intensified with the addition of many new buildings of different styles and materials, grouped into two main areas to the north and south of the main House.

The university is currently going through the process of replanning the campus which involves both significant new development as well as selective demolition of buildings of low architectural value to recapture views and connections between the house and its wider landscape setting. Planning permission has already been granted for a large new academic building under phase I (see Planning History below). The phase II application for the development of student residential accommodation on what is now the car park under 12/02141EFUL is also considered on this agenda. Phase III for further on site residential accommodation is anticipated.

Delivering the phase II residential will entail some modest alterations to several protected structures largely curtilage buildings on the site which are the subject of this listed building consent application. In summary they comprise;

Converting the single storey stone building known as Sophia (currently offices) into the student laundry

Creating two new pedestrian door openings into the north and west sides of the Victorian walled garden.

Demolish modern lean tos along the outside of the north side of the wall of the garden.

Retain the boiler house (currently changing rooms) on the north wall of the garden and improve the changing facilities.

Convert the modern garden bothy extension within the walled garden into more student changing facilities.

Create small opening in north wall of the Italian Gardens (grade II_) to provide access for great crested newts that are found on the site.

Planning history

Planning application 12/02141/EFUL for residential development on the campus.

Listed building consent 12/00763/LBA and planning permission 12/00762/FUL granted for highway improvements within the campus.
Planning permission under 10/04747/EFUL granted for academic building.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Parish Council comment:

Scheme should prevent lighting pollution.

The netball court is not appropriate in the walled garden.

Drawing NPA 10472 311 shows an emphasis on car parking.

English Heritage: Application should be determined in accordance with national and local policy guidance and on the basis of expert conservation advice.

Bath Preservation Trust have submitted comments relating to the new development which will be addressed under the parallel planning application 12/02141/EFUL

Other representations: None submitted relating to the listed building consent application.

POLICIES/LEGISLATION

From the point of view of the historic environment the primary consideration is the duty placed on the Council under S 16 of the Listed Buildings Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework sets out government advice concerning alterations to listed buildings, development in conservation areas and world heritage sites.

If the Council is minded to grant consent there is not a requirement to notify the Secretary of State before a decision is issued

OFFICER ASSESSMENT

The alterations requiring listed building consent are low key and uncontentious and will preserve the character and setting of the principal heritage assets at Newton Park.

The planning issues relating to the proposed residential development are assessed in the report for 12/02141/EFUL also on this agenda.

The dilapidated glasshouses within the walled garden are an integral part of the heritage asset and their repair will be secured through a legal agreement attached to 12/02141/EFUL.

The positioning of a netball court within walled garden proposed under 12/02141/EFUL is still under negotiation and this is reflected in condition 3 of the planning decision. The submission of a detailed car parking strategy for the campus is the subject of condition 4 under 12/02141/EFUL.

The applications include comprehensive ecological survey and assessment which satisfactorily outline mitigation and compensation proposals for bats and newts. It is recommended that in line with 12/02141/EFUL the submission of a biodiversity management plan is secured by condition.

The listed building application is accordingly recommended for consent.

This report has had regard for all other matters raised by the applicant and any representations received. These are not of such significance to outweigh the considerations that have led to my conclusions on the main issues.

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 consent

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

2 No development shall commence until a Biodiversity Management Plan covering the construction phase of the Phase 2 development and incorporating a Landscape and Habitats Management Plan for the entire campus covering the operational phase has been submitted to and approved in writing by the local planning authority (in consultation with Natural England). The Plan shall include all mitigation specified in the Environmental Statement. The submitted Landscape and Habitats Management Plan shall cover the operational phase for a minimum of ten years following the completion of Phase 2, and shall include a programme of monitoring and annual submission of data to the local planning authority.

Reason: To reduce and mitigate the impacts of construction and operation of the development on the biodiversity on the campus.

3 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.

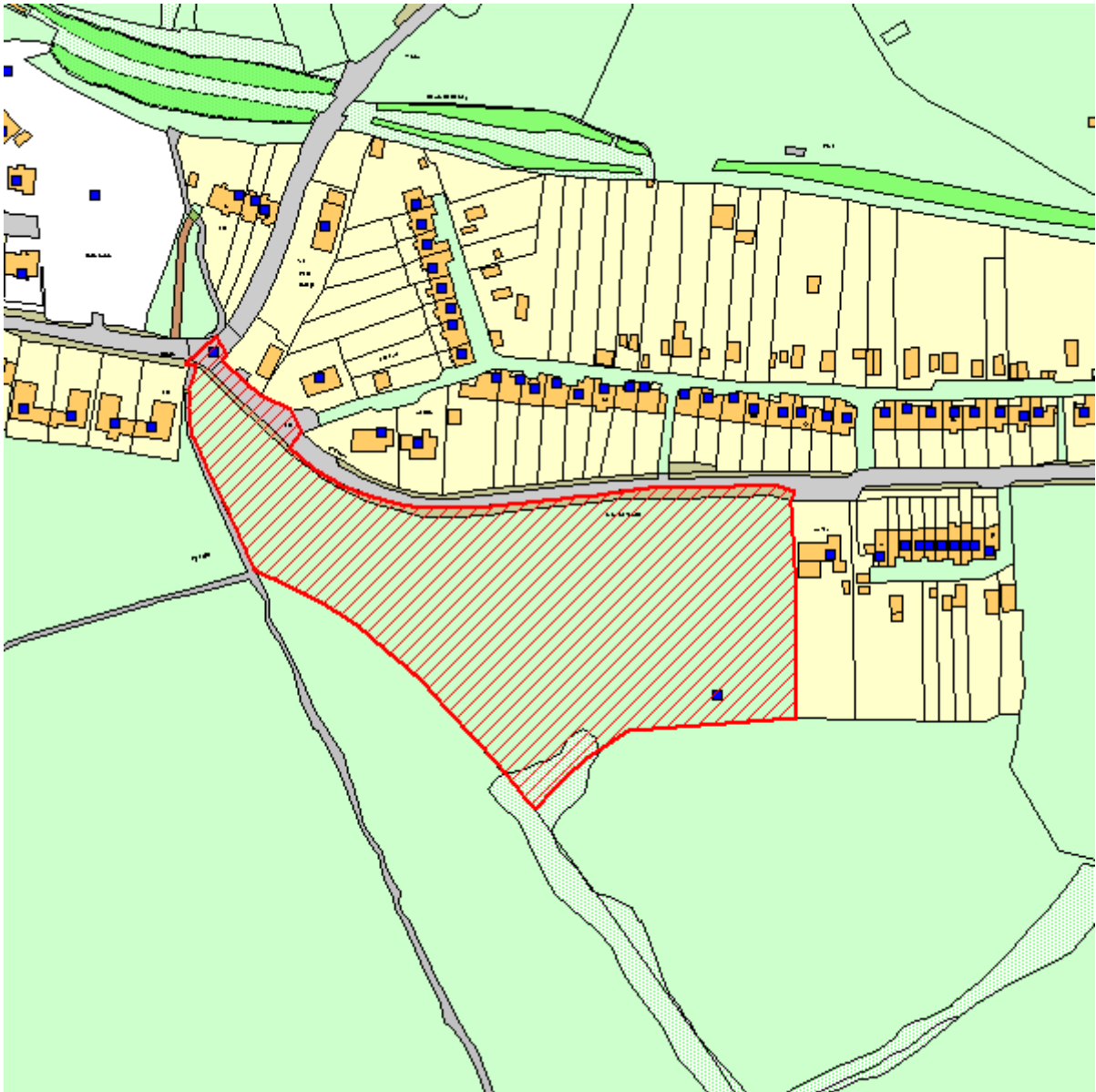
PLANS LIST:

Drawings 0001 (site location plan), 0002 (existing site plan), 0003 (scheduled monuments and listed buildings plan), 0210 (existing bothy), 0212 (walled garden existing plans and sections), 0213 (walled garden existing elevations), 0214 (existing walled garden lean tos), 0215 (existing boiler house), 0220 (existing Sophia), 3000 (demolition/alterations plan), 3010 (existing bothy, boiler house and lean to), 3011 (bothy photographic audit), 3012 (boiler house photographic audit), 3013 (walled garden lean tos photographic audit), 3020 (Sophia existing plan), 3021 (Sophia photographic audit), 3210 (proposed bothy), 3212 (walled garden proposed - excluding netball court), 3215 (proposed boiler house), 3220 (proposed Sophia), Heritage Statement, Design and Access Statement, Environmental Statement volumes 1-4 and non-technical summary date stamped: 4th May 2012

Reasons for granting consent:

The decision to grant consent subject to conditions has been made in accordance with relevant legislation, The National Planning Policy Framework and in light of views of third parties. The Council regards that the proposals because of their location, design, detailing and use of materials, will preserve the building, its setting and its features of special architectural or historic interest.

Item No: 04
Application No: 12/01882/OUT
Site Location: Parcel 0006, Maynard Terrace, Clutton, Bristol



Ward: Clutton **Parish:** Clutton **LB Grade:** N/A
Ward Members: Councillor Jeremy Sparks
Application Type: Outline Application
Proposal: Erection of 36no. dwellings and associated works (revised resubmission)
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary, Public Right of Way,
Applicant: Somer Community Housing Trust

Expiry Date:	30th July 2012
Case Officer:	Richard Stott

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

This application is referred to Committee as the proposal raises policy issues for Members to consider in relation to the proposed provision of affordable housing above the required levels to be weighed against the siting of the development outside the housing development boundary.

In addition there has been a formal request from Cllr Jeremy Sparks for the proposal to be considered at Committee as this is a large development outside of the housing boundary. Furthermore, he comments that there is a lot of local interest both for and against the application and there is a need for more affordable housing.

DESCRIPTION OF SITE AND APPLICATION

The site is located on land to the south of Maynard Terrace. The site is currently a green field site, which is used for agriculture. The application site is not within designated Green Belt land.

The site is approx. 1.5 hectares in size and is located outside of, but adjoining the Housing Development Boundary of Clutton.

The site is an undulating plot of land, sloping from the north and east to towards the south-western boundary. There are mature native hedgerows marking the north, south-west and eastern boundaries of the site.

Maynard Terrace is characterised by two storey 19th Century terraced properties to the north of the site, there is also a detached property adjacent to the eastern boundary of the site, with a further row of terraced properties beyond.

This is a revised outline application for the erection of 36 dwellings. Access is to be considered as part of this application, with other matters reserved. The original application was submitted with layout to be considered however this element of the proposal has been removed from the current application and is to be treated as a reserved matter. The layout plans as submitted are therefore indicative only and do not form part of this application.

It is proposed to reconfigure the access to the site and also along Maynard Terrace with a new road serving the development being formed at the Clutton Hill and Maynard Terrace junction - this junction would be reconfigured as part of the application to change the priority of the road.

The proposed scheme indicates that there would be 17 market dwellings, with a mix of 2, 3 and 4 bedroom houses and 19 affordable dwellings, with a mix of 2, 3 and 4 bedroom houses, representing an affordable housing level of 52.8%.

The applicants have provided site sections showing the parameters of the proposed dwellings; they will be predominantly two storey dwellings with some two and a half storey

dwellings towards the rear of the site. The sections indicate that the dwellings will vary in height from approx. 7m to approx. 10m.

The hedgerow on the south western boundary will remain with a green area adjacent and a balance pond to the southern corner of the site. The hedgerow fronting Maynard Terrace will in part be moved to accommodate a new footway and in part removed in the areas surrounding the reconfigured site access.

RELEVANT HISTORY

12/00340/SCREEN - Screening Opinion for Land at Maynard Terrace - NOT EIA DEVELOPMENT

11/04300/OUT - Erection of 43no. dwellings and associated works - WITHDRAWN - This application was recommended for refusal with the following reasons:

1. The proposed residential development of this site located in the countryside outside of any housing development boundary, remote from services and employment opportunities, and poorly served by public transport, is contrary to the principles of sustainable development and would be likely to result in unsustainable transport movements in the private car. Due to the size and inclusion of market housing, it is not a rural exception site. The proposed development is considered to be contrary to Policies HG.4 and HG.9 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007 and the advice contained within PPS 3, and PPG 13.

2. The proposed development fails to respond the local context of the area, due to it being dominated by the access road and the introduction of detached development clusters, which are an alien form of development. This is contrary to Policies D.2 and D.4 of the Bath and North East Somerset Local Plan - adopted October 2007 and PPS1.

3. Plot 43 is likely to directly overlook the private amenity space of An-Yah, due to its proximity to the boundary and orientation. This will lead to a significant loss of privacy and is contrary to Policy D.2 of the Bath and North East Somerset Local Plan - adopted October 2007.

4. The proposed development will remove parts of the hedgerow fronting onto Maynard Terrace and other parts will be at risk due to it being in different ownerships resulting in pressure for maintenance. Combined with the introduction of the access road, this will lead to an erosion of the rural character of the area and is contrary to Policies NE.1 and NE.12 of the Bath and North East Somerset Local Plan - adopted October 2007.

5. The Local Planning Authority and the Local Highway Authority in adopting the publication 'Residential Roads In Avon', have agreed standards for the layout of new streets. The proposed access roads do not conform to these agreed standards and are not, therefore, adequate to serve the development proposed. This is contrary to Policies T.1 and T.24 of the Bath and North East Somerset Local Plan - adopted October 2007.

6. The proposed development would result in an increase in vehicles turning right into Maynard Terrace from Station Road at a point where forward visibility from and of such vehicles is inadequate which would create additional hazards to all road users. The proposed access road serving the development would be likely to result in the conflict of traffic movements at the new Maynard Terrace junction and the junction of the private

access road, and also close to the existing junction with Station Road, resulting in additional hazard and inconvenience to all users of the road. Furthermore, the layout of the parking results in inadequate provision and some spaces are remote from their corresponding dwellings. This is contrary to Policies T.24 and T.26 of the Bath and North East Somerset Local Plan - adopted October 2007.

7. Inadequate details have been submitted to enable the Local Planning Authority to fully assess the potential impact on nationally and internationally protected species, locally important species and flora and proposed mitigation, therefore the development is contrary to Policies NE.9, NE.10, NE.11 and NE.12 of the Bath and North East Somerset Local Plan - adopted October 2007.

8. The proposed affordable housing is geographically clustered and insufficiently integrated with the market housing. This is contrary to Policy HG.8 of the Bath and North East Somerset Local Plan - adopted October 2007 and Planning Obligations SPD - adopted July 2009.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION:

PLANNING POLICY: OBJECTION

Following initial comments, the Policy Team have provided an updated objection in light of ID/28, the Core Strategy Inspector's preliminary conclusions on strategic matters following the Core Strategy Examination in Public which took place earlier in 2012:

- The Development Plan relevant to the consideration of this application is primarily provided by the adopted Bath & North East Somerset (B&NES) Local Plan. Specifically policy HG.4 and the associated Housing Development Boundary (HDB) defined for Clutton
- The application site lies outside the HDB defined for Clutton and therefore, the proposed development would be contrary to the adopted Development Plan.
- The B&NES Local Plan was prepared and adopted under the provisions of the 1990 Act. Therefore, the weight that can be given to Local Plan policies will relate to their degree of consistency with policies in the NPPF.
- The Council's Core Strategy is at an advanced stage in the process. It is currently at Examination which has been suspended to enable the Council to do further work to address issues raised by the Inspector. The Council attaches significant weight to the policy approach set out for the rural areas including the approach towards site allocations and HDB review both of which are supported by the Inspector in ID/28. The principle issues of concern to the Inspector requiring further work do not relate to the rural areas policy framework.
- It is agreed that as a result of the Inspector's preliminary conclusions (ID/28) relating to the strategic housing requirement the Council cannot demonstrate a 5 year supply of housing land.
- Given the Inspector's criticism of the Council's methodology in deriving the overall housing requirement (due to its unsuitability and non-compliance with the NPPF) the Council does not have a confirmed strategic requirement against which to calculate housing land supply.
- The Council accepts that it cannot demonstrate a five year land supply and land supply cannot be used as a reason for refusal.

- Paragraph 49 of the NPPF makes it clear that for authorities that cannot demonstrate a five year housing land supply the relevant policies for the supply of housing should not be considered to be up-to-date.
- The policies for the supply of housing in B&NES include policies setting the strategic housing requirement, as well as Local Plan Policies HG.4 and HG.6 and the associated HDBs. However, it should be noted that policies HG.4 and HG.6 and the HDBs also address other issues including preventing unsustainable patterns of development; ensuring new development takes into account local character and distinctiveness; protecting the countryside surrounding villages; and helping to sustain balanced communities by enabling areas to be retained for other uses e.g. employment or recreation.
- Whilst housing land supply cannot be used as a reason for a refusal proposed schemes need to be carefully considered to determine whether they are 'sustainable development' in the context of Local Plan policies and those set out in the NPPF.
- It is intended that in parallel to the above work on the Core Strategy work will continue on the Placemaking Plan (Site Allocations and Development Management Policies DPD).
- In addition to allocating sites for development the Placemaking Plan will also review HDBs. This approach is established in policy RA1 of the draft Core Strategy (informal changes, February 2012) which seeks to direct development in the rural areas to the most sustainable villages. For those villages meeting the criteria of policy RA1 (relating to the presence of key facilities in the village and public transport access) the policy states that proposals for residential development will be acceptable within the HDB and that for these villages development sites will be identified in the Placemaking Plan and the HDBs reviewed accordingly to enable delivery of the overall scale of development directed towards the rural areas.
- In his preliminary conclusions outlined in ID/28 the Inspector has confirmed his support for the policy approach to the rural areas set out in the draft Core Strategy as proposed to be changed in February 2012. In relation to the rural areas and applications for residential development outside HDBs the conclusions of the Inspector in paragraph 3.69 of ID/28 are especially relevant. He supports the criteria based approach of policy RA1 and concludes that "...it is justified to remove from the policy the acceptance of housing outside the HDBs at this stage. Housing beyond existing HDBs will have to await the review of such boundaries through the Placemaking Plan or identification of sites in a Neighbourhood Plan, both of which provide appropriate mechanisms for community involvement regarding the scale and location of new housing in a village."
- Clutton currently meets the criteria of policy RA1. Reference to the offer of the applicant to contribute to the funding of a community shop is also noted which would help improve the range of facilities available within the village.
- As a RA1 village, the Council will, through the Placemaking Plan, and with the involvement of the local community, be looking at the most appropriate or sustainable solution for providing the scale of housing envisaged by the Core Strategy (around 30 dwellings).
- Given the preparation programme for the Placemaking Plan outlined above it is considered it would be premature to grant permission for the development of the application site in advance of the consideration of other potentially more sustainable solutions.
- The Council also places significant importance on the need to fully involve the local community in this process in accordance with the principles enshrined in the Localism Act.

HIGHWAY DEVELOPMENT: OBJECTION

- Whilst the Highway Officer notes the improvements to the junction and access arrangements and comments on the level of parking as being acceptable as well as there being no adverse impact on the capacity of the local roads by the projected additional vehicle movements, the site is located in an unsustainable location outside the housing boundary, is remote from services and is poorly served by public transport and is therefore likely to give rise to an increased reliance on private car usage. On balance there remains an objection to this application.
- The contribution towards the local bus service is welcomed however would need to be secured through a legal agreement, in addition, the improvements to the access by reprioritising the Clutton Hill/Station Road/Maynard Terrace junction would need to be secured ahead of any construction on site
- Conditions have been recommended in the event that planning permission is granted.

AFFORDABLE HOUSING: Comments:

- Large demand for small houses in Clutton is demonstrated by the Homesearch register.
- Effective integration of market and affordable housing required - clusters of affordable homes above 8 dwellings could contravene the adopted obligations SPD.
- Parking arrangements remains an issue.
- 60% of the affordable units should reach Lifetime homes standards and 10% should be to full wheelchair user standards, this would need to be incorporated in the design phase.
- Phasing conditions on the affordable housing triggers should be set out in an S106 agreement.
- Policy HG.8 is not applicable as the affordable housing level is above the 35% threshold set out in HG.8 therefore could be challengeable should Somer Housing Trust (now Curo) ultimately not be the developer.
- Legal covenants should be robust enough to enable the 53% affordable housing provision to be delivered in full.

URBAN DESIGN/LANDSCAPE: APPLICATION NOT ACCEPTABLE IN ITS CURRENT FORM

- Presumption against development outside the Housing Development Boundary.
- The principle of need for the development in this location needs to be made.
- Highly visible site on the edge of Clutton.
- Pasture, hedgerow and ridgeline give Maynard Terrace a strong and legible landscape feature.
- Site makes a positive contribution to the rural and semi-rural character of this part of Clutton.
- No enhancement benefits to be gained by this development.
- Development placed on the highest parts of the site will increase visual impact.
- Indicative street-scene and architecture have the potential to be acceptable.
- Landscape details relating to car parking needs are required to minimise visual impact.
- The amount of development would put significant pressure on landscape assets and increase visual impact and as such the scheme design needs to be reviewed.
- The movement hierarchy needs to be reviewed.

ECOLOGY: OBJECTION

Initial Comments:

- Two of the most species rich environments fall within the development site boundary.
- The site should not be excluded from a potential SNCI boundary.

- The submitted survey shows that the field in its entirety qualifies as an SNCI and therefore Policy NE.9 applies.
- Insufficient assessment of the impacts of the development on the ecological value of the site.

Revised Comments:

- The level of detail of survey within the site of the proposed development is constrained by the chosen survey methodology of using quadrats to evaluate the quality of the grassland and determine. Only three quadrats (E4, E5 & E6) were surveyed within the open area of grassland proposed for development, whilst a total of six quadrats were used along the western boundary and in the northern tip of the site. Having visited the site and noted variations in species diversity within this open grassland area proposed for development, including patches of grassland that clearly contain a higher forb content and lower proportion of grass than other areas and then indicated by the quadrat results, I am not confident that the data obtained from these three quadrats and conclusions of the ecological survey report sufficiently acknowledges the ecological value of the grassland proposed for development.

- The ecological report makes statements about this area being less species rich than the southern half of the field, and that it would not qualify in its own right as a Site of Nature Conservation Interest (SNCI). However when looking at the detail of the survey findings two of the most species rich areas of the field do fall within the development site boundary, and the grassland within the proposed development area is described as dominated by grass with herb species such as black knapweed and common sorrel - both of which are indicators of habitat quality. I therefore do not accept that this area has insignificant ecological value and when considering the sites' potential for designation as an SNCI, this area would not be expected to be excluded from the SNCI boundary without good reason.

- The field is likely to qualify as an SNCI. As such, Policy NE9 applies.

- The assertion that the proposal will deliver "biodiversity enhancement" is not correct. The proposal will result in the loss of habitats of ecological value and a net negative ecological impact.

- Impacts of hedgerow removal and pressures of housing use on site (hedgerows) and on adjacent land do not appear to have been considered.

- The scheme does not sufficiently acknowledge the ecological value of the site within the proposed development boundary, nor the degree of ecological harm that will result. It does not demonstrate any attempt to first avoid harm to ecology nor does it provide any commitment or sufficient proposals for measures to compensate for unavoidable impacts.

- To compensate for loss of grassland, the ecological report states in section 5.2.1 that "the southern half of the field will be retained and managed to maintain and extend the MG5 community already present". This statement is not however backed up by any commitment to this or proposals for this in the submitted scheme and it is not clear that it would be feasible. Such management could potentially contribute in part to an ecological mitigation and compensation package, and this would reduce the degree of overall ecological harm. However this alone would be insufficient. The remainder of the field

would need to be safeguarded in perpetuity and managed as species rich grassland, with long term implementation of a sensitive habitat management regime that aims to increase the botanical diversity of the grassland, and extend the area of botanically rich grassland. Other significant ecological measures would also be necessary to attain an acceptable level of ecological mitigation and compensation, including for losses of and impacts to hedgerows and trees, use of the site by protected species, and overall ecological value.

- It does not appear possible for the degree of ecological mitigation and compensation needed for this scheme to be achieved within the current proposal.

ARBORICULTURE: APPLICATION NOT ACCEPTABLE IN ITS CURRENT FORM

- No justification for the loss of trees
- Planting of London Plane trees are less favourable to a species more typical of the wider rural landscape.

EDUCATION: COMMENTS

Contributions for school places and youth provision for £33,578.21 would be required and should be secured through a S106 agreement.

PARKS AND OPEN SPACES:

In respect of application 11/04300/OUT the Parks and Open Spaces team responded stating that contributions would be required in the event that permission was granted for this site. In respect of this current application despite being consulted, no revised request for contributions has been made however it has been confirmed that the previous comments and request still stands. The applicable comments therefore are as follows:

- Required financial contribution towards off site open space and allotments provision.
- The appropriate basis for calculating estimated occupancy levels is made against a 35% affordable housing mix (as opposed to the 53% mix shown on this application)
- The reference in the D&A Statement to on site public open space is noted. Of the 0.4 ha referred to, much of it appears to be amenity landscaping in essence e.g. the strip alongside the access road which contains the Balance Pond/SUDS.
- There is a small open space bisected by a path opposite the SUDS which may constitute a usable 'doorstep' formal recreation space in terms of the Green Space Strategy categorisation.
- To qualify as a doorstep space it would need to meet the minimum size specification (area 1,000m² with a min dimension of 15m)
- I am not clear at present on the area of this space but in the event that the space is of adequate size it could count towards the total amount of additional public open space required to meet the demands created by the proposed development.
- If the current space falls below the minimum dimensions it would either need to be: increased in size in the design of the development or, disregarded in terms of meeting green space needs and an additional financial contribution of £86,640 made towards off site provision.
- In terms of green space/outdoor recreation facilities, only the sums towards enhancement/maintenance of the playing fields and possibly funds for the football club (depending on the proposals for using the funds and wider community benefits in terms of outdoor recreation) might be acceptable contributions.
- The other contributions relate to built community facilities.
- Financial contributions towards green space provision secured as part of development in rural areas would normally be transferred to the Parish Council and I am not aware that it

has been party to identifying possible future open space requirements (e.g. in terms of meeting Parish Plan aims).

- In addition no provision appears to be made for allotments so a contribution of £4,445 would be required towards off site provision.

ARCHAEOLOGY: COMMENTS

- The coal mines on the eastern edge of Clutton are extremely early (1610) - potential for archaeology on the site.

- Recommend conditions are applied to any permission granted relating to a scheme of investigation and field evaluation in advance of any works taking place.

ENVIRONMENT AGENCY: NO OBJECTION

- Recommend conditions relating to drainage and flooding.

COAL AUTHORITY: OBJECTION

Initial Response:

- Layout shows development over a recorded mine entry.

- Phase 1 geo-environmental report does not adequately address the mining legacy on the site.

- Further survey required to demonstrate that the site is safe and stable.

Following the initial comments, the applicant has amended the application to remove layout from this outline application, in addition a more detailed survey of the extent of mine activity has been presented.

The Coal Authority has reconsidered the additional material and made the following observations:

- Mining Survey Report concludes that shallow underground workings are not present under the application site.

- No indication given by the applicant as to how the issue of the recorded mine entry on site is to be addressed.

- Further confirmation by the applicant required.

WESSEX WATER: COMMENTS

- Limited capacity in the downstream sewer and pumping station.

- Network modelling of the nature and scope of capacity improvements necessary to serve the site are required.

- Development should not precede any necessary works to the sewerage treatment works.

HIGHWAY DRAINAGE: NO OBJECTION

CONTAMINATED LAND: NO OBJECTION

- Due to the historic presence of mining in the area land contamination conditions are suggested.

PUBLIC RIGHTS OF WAY: COMMENTS

- A public right of way crosses the corner of the site and must not be obstructed during or after works to the site.

CRIME PREVENTION: NO OBJECTION

CLUTTON PARISH COUNCIL: OBJECT

- Site is outside the HDB and impinges on the Clutton/Temple Cloud buffer.
- Large scale development not in keeping with the village.
- Development conflicts with the Parish Plan.
- Enough capacity on brownfield sites exists to fulfil the local housing needs.
- No independent survey has been conducted within the parish to establish the need for this level of affordable housing.
- Large scale development at nearby Paulton is failing to sell which suggests there is no demand in the area.
- Site fails to meet criteria for access to facilities and amenities.
- Sum offered to fund a bus service is considered too low.
- Many roads in Clutton have no footways, are unlit and are narrow.
- Change in priority of the road will in effect make Clutton Hill a side road and could send unfamiliar drivers into Maynard Terrace which is a dead end with little capacity to turn.
- Only beneficiary of the proposed road change would be the developer.
- Clutton has a Ward Profile grade E putting it in the bottom 20% of places to live in the district, region and country - this is based on its poor access to facilities and services.
- An appeal in 1988 for a site to the north of Maynard Terrace sited the poor road access through Clutton.
- Unacceptable additional pressure on the school.
- Sewerage problems.
- Less favourable than the recently rejected Barratt scheme.

REPRESENTATIONS:

Approximately 580 representations have been received comprised from approximately 520 individuals (note some representations were duplicated or in the form of petitions and some households wrote more than one letter).

For the purposes of this report the comments received summarise the salient points as many letters echoed the same concerns or observations.

The representations are broken down as follows:

Approximately 255 letters of support from 250 individuals.
Approximately 320 letters of objection from 270 individuals.
4 letters of general comments.

SUPPORTING COMMENTS (Summarised):

- Affordable housing is needed
- Site is well suited to development
- Fits in well with Maynard Terrace
- It will improve the existing terrace
- Nice mix of housing designs
- Local tie for affordable housing is important
- Houses are too expensive in Clutton
- Site is in easy walking distance of school and centre of the village
- Not too visible or intrusive
- In keeping with older parts of the village
- Development will bring jobs and affordable housing to the village

- Benefits to the school, footpath, bus services and other community facilities
- Site is not used for agriculture
- Most Clutton residents welcome more development
- Give residents more space
- The site is not green belt
- Design has a village feel to it
- Well-designed development
- Local need for affordable housing
- Application is concerned with the community
- There are other areas for walking
- Young people cannot afford to stay in the village
- Maynard Terrace end of the village has not been developed
- Villages need housing for young people or they will be unsustainable
- Rural areas need affordable housing
- Shortage of housing in this area
- 50%+ affordable housing is a benefit to the village

OBJECTIONS (Summarised):

- Proposal does not accord with Core Strategy
- Does not accord with the proposed revision to Strategy and Clutton's designation
- Does not conform with Parish Council's village plan
- No Parish Council support
- Outside the village boundary
- More suitable brownfield sites in Clutton
- Would set a precedent
- Dangerous for pedestrians
- Highway safety issues
- School's future is secure
- School is unable to cope with any increase
- Statement of Community Involvement misrepresents public consultation
- Negative impact on the environment
- Flooding issues
- Field contains rare wildlife
- Loss of view
- Spoil Maynard Terrace and ruin its history
- Security issues for existing dwellings - No jobs in Clutton to support people in social housing
- Why would people buy houses in Clutton?
- Wholly inappropriate for Clutton
- This size of development on green belt land will significantly impact on the infrastructure of the village (Officer note: The site is not within the green belt)
- Where is the rationale for this decision and who has been involved in its development?
- No public transport to Bath or Midsomer Norton
- Limited public transport to Bristol
- Other areas of social/affordable housing in the village
- Contrary to Local Plan policies
- No housing needs survey has been conducted
- Development out of character with Maynard Terrace
- Unsustainable location
- No need for large scale housing

- Lack of local amenities
- No support for the development
- Not against small scale development on brownfield sites
- Loss of rural character
- Loss of amenity as the development would be seen from large parts of the village
- Development is too large on a green field site
- Proposal is not infill
- What is affordable housing?
- Devaluation of property
- Density of development is out of character with Maynard Terrace
- Limited sewage capacity
- Increase in traffic
- Excessive disturbance to properties on Maynard Terrace from additional traffic
- Loss of privacy to 18 Maynard Terrace from access
- Possible mine works on the site
- Development is too big for Clutton
- Previous application in 1988 was refused
- Site is currently agricultural
- Inadequate parking provision
- Many of the statements in the application need to be challenged publically
- Much of the development at Paulton remains unsold
- Survey was conducted in a biased way
- Proposed affordable housing is just to get round the planning restrictions
- Inadequate consultation by developers
- Lack of visibility from the proposed access
- Promised sums of money seem large and unrealistic
- Litter from proposed development
- Term "affordable housing" is meaningless
- Long way to walk to the bus services
- Development should be closer to cities
- Land for farming is needed to support the village in the future
- Other housing developments have been built
- Volume of traffic passing 147 Greensbrook
- Loss of habitat
- Proposed housing opposite 9-15 Maynard Terrace are in front of the established building line and are too close to the existing houses
- Loss of privacy to 11 Maynard Terrace
- Proposed housing mix will not meet local needs
- No mention of other appropriate sites
- Overlooking to properties in Maynard Terrace

GENERAL COMMENTS (Summarised):

- No objection in principle
- 50% seems a little excessive for affordable housing
- If this is allowed, no further development should be allowed in the village
- How can planning inducements be secured?
- How can B&NES ensure that one or both parties fulfil their obligations?
- Empathise with those trying to get on the property ladder
- What is the cost of the affordable housing?
- Support does not prove need

- Support letters appear to be standard letters

POLICIES/LEGISLATION

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

JOINT REPLACEMENT STRUCTURE PLAN - ADOPTED SEPTEMBER 2002

Policy 1

Policy 2

Policy 17

Policy 18

Policy 33

Policy 35

Policy 59

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into effect on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's). The NPPF is of primary consideration in the determination of this application.

Whilst the NPPF confirms at Para 214 that full weight can be given to relevant (local) Policies for a period of 12 months from the date of its publication, this is conditional on those policies having been made in accordance with the 2004 Planning and Compulsory Purchase Act. In the case of the B&NES Local Plan, although adopted in 2007 this was made in accordance with 1990 Town and Country Planning Act and therefore Para 215 of the NPPF is applicable where it is stated "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

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

D.2: General design and public realm considerations

D.4: Townscape considerations

IMP.1: Planning obligations

CF.3: Contributions from new development to community facilities

ES.2: Energy conservation and protection of environmental resources

ES.5: Foul and surface water drainage

ES.14: Unstable land

ES.15: Contaminated land

HG.1: Meeting the District housing requirement

HG.7: Minimum housing density

HG.8: Affordable Housing on allocated and large windfall sites

HG.9: Affordable Housing on rural exception sites

HG.10: Housing outside settlements (agricultural and other essential dwellings)

SR.3: Provision of recreational facilities to meet the needs of new developments

NE.1: Landscape character

NE.4: Trees and woodland conservation

NE.9: Locally important wildlife sites

NE.10: Nationally important species and habitats

NE.11: Locally important species and their habitats
NE.12: Natural features: retention, new provision and management
NE.14: Flood risk
T.1: Overarching access policy
T.23: Airport/Aerodrome Safeguarding Areas
T.24: General development control and access policy
T.25: Transport assessments and travel plans
T.26: On-site parking and servicing provision

DRAFT CORE STRATEGY, MAY 2011

The Draft core strategy is currently suspended following an Examination in Public however remains a material consideration. At this stage the Core Strategy has limited weight but should be read in conjunction with ID28, the Inspector's Preliminary Conclusions on Strategic Matters and Way Forward, June 2012:
Chapter 3, Rural Areas of ID28 is pertinent to this application

Draft Core Strategy Policies:

DW1: District wide spatial strategy
RA2: Development in the Villages outside the Green Belt not meeting Policy RA1 criteria
CP2: Sustainable construction
CP6: Environmental quality
CP9: Affordable housing
CP10: Housing mix

Policies D.2, D.4, IMP.1, CF.3, ES.2, ES.5, ES.14, ES.15, HG.1, HG.7, HG.8, HG.9, HG.10, SR.3, NE.1, NE.4, NE.9, NE.10, NE.11, NE.12, NE.14, T.1, T.23, T.24, T.25, T.26, of the adopted Local Plan are saved policies.

OFFICER ASSESSMENT

PROCEDURAL NOTE:

As the red line of the application site crosses a public right of way, in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) Order 2010 a site notice was placed at the site and the application was advertised in the newspaper on the 17th May 2012 giving 21 days' notice. Notwithstanding, the notice as published did not make it clear that the notice was in respect of development affecting a Public Right of Way therefore the application has had to be re-publicised with a site and press notice dated 20th September 2012. In light of this no formal decision can be issued until after the 10th October 2012.

From the indicative layout as originally submitted it was clear that the existing public right of way was not to be affected by the proposed development of this site and therefore it is not anticipated that any new issues will arise as a result of the re-notification.

PREAMBLE:

This application is a revised resubmission following the withdrawal earlier in 2012 of a similar application for 43 dwellings. The revised proposal has sought to address the 8 suggested reasons for refusal that were mentioned in the withdrawn scheme and whilst reducing the number of dwellings to 36 - providing 19 affordable units - and suggesting an improved road layout to address highway concerns, many of the issues raised with the previous application remain the same for this application. This application seeks outline consent to establish the principle of development and whilst the application considers the access arrangements, all other matters including the layout are reserved.

PRINCIPLE OF DEVELOPMENT:

The site is located outside of the housing development boundary of Clutton. Clutton is identified as an R.1 village under Policy SC.1 of the Local Plan and Policy HG.4 of the Local Plan states that proposals for residential development within the housing development boundary will be permitted, subject to other material considerations. As the site is outside of the housing development boundary the development is considered inappropriate and contrary to policy.

Local Planning Policy HG.9 and HG.10 make provision for affordable housing sites and other houses outside of the housing development boundary, as stated, the proposed development includes 53% affordable housing and consists of a total of 36 dwellings. Policy HG.9 states that to be an exception to other housing policies the development should be 100% affordable housing and comprise of a small group of dwellings within or adjoining the built up area of the village. In view of the size and amount of development and the inclusion of market housing, as with the previous application the development is not considered to be a rural exception site and is therefore contrary to Policy HG.9.

Policy HG.10 makes provision for new dwellings outside settlements that are essential for agricultural or forestry workers, again, as with the previous scheme as this is not an application for agricultural or forest workers the proposal is contrary to HG.10.

The Bath and North East Somerset Core Strategy has been considered by an Inspector representing the Secretary of State at an Examination in Public in early 2012 and although currently found to be unsound in general, the Inspector has stated that the rural policies are themselves broadly sound. The Core Strategy is currently suspended but remains a material consideration, albeit with limited weight at this stage.

In terms of the rural policies, Clutton meets the criteria of the revised Policy RA1 where it is noted that this policy only allows for housing developments of "about 30 dwellings" within the housing development boundary. The revised approach to RA.1 has been largely accepted by the Inspector which means that this development site would be contrary to the emerging policy framework.

ID28, the Inspectors initial report, at para 3.69 states that "Housing beyond existing HDBs will have to await the review of such boundaries through the Placemaking Plan or identification of sites in a Neighbourhood Plan, both of which provide appropriate mechanisms for community involvement regarding the scale and location of new housing in a village". It is clear from this statement therefore that the proposed development remains unacceptable and it would be premature to consider releasing this site in advance

of the Placemaking Plan - at which time the Council may seek to review its current Housing Development Boundaries in order to find appropriate alternative development sites.

In summary, this site remains outside the defined housing development boundary and as such the application to develop this plot is contrary to both the existing and emerging planning policy framework.

SUSTAINABILITY:

The site is located outside of the housing development boundary. There is a limited range of local services within Clutton village including a post office, butchers and school however the closest doctors surgery is in Temple Cloud. There are no grocery stores of any significance within walking distance of the site and no supermarkets, the closest being Tesco at Midsomer Norton (6km south) and Asda at Whitchurch (10km north). Clutton is not considered to offer a wide range of facilities that could be considered to provide for the general needs of all residents, and clearly access to a wider range of services and employment would be required.

The applicant has referred to the potential development of a farm shop in Temple Cloud; however 1) this does not yet exist, and 2) is at a distance that would mean people from this site would be unlikely to walk. The argument presented in relation to the potential farm shop is therefore given little weight in respect of this application. In addition, the applicant has referred to the home delivery service offered by several of the main supermarkets that operate in this area. Whilst this point is noted, it does not address the fundamental fact that there is a direct lack of access to actual shops within Clutton, the use of such services is generally reserved for people wishing to carry out larger grocery shops and does not cater for day to day convenience shopping.

In terms of access to employment opportunities, the applicant has cited several local industries in the surrounding area and whilst some of these are within reasonable distances to the application site, the assessment has failed to take into account the type of road network that exists including the lack of footways and lack of lighting. In reality it is highly unlikely that anyone living on this site and working in the identified businesses would walk or cycle - particularly during the darker or wetter months of the year - it is therefore considered to be very realistic that there would be a dependence on private motor transport and officers remain unconvinced by the argument that this site is "close" to employment opportunities.

Clutton does have the benefit of bus services which mainly operate from the A37 located approx. 1.2km from the site, this distance exceeds the recommended walking distance of 400m and also involves walking on carriageways without separate footways, which means it is unlikely to be an attractive pedestrian route. Whilst it is noted that the service to Bristol is adequate, the service to Bath is poor. The 376 service runs along the A37 and provides a half hourly service between Bristol and Street. The local bus 768 between Clutton and Bath provides only 2 services daily, but 3 services on Tuesdays and Thursdays. The applicant has offered a financial contribution to secure additional bus services, an approach that is welcomed by both the planning officer and the highway development officer, in the event that permission were granted, this would need to be secured as part of a legal agreement.

In view of the above, echoing the concerns raised with the previous application, officers remain of the view that the site is not in the most sustainable location and is likely to result in a high reliance on the private car as the main mode of travel. This is contrary to the key aims of Policy 1 of the JRSP and Local Plan Policy T.1 which seek to reduce growth in the length and number of motorised journeys,

CHARACTER, APPEARANCE AND SITE LAYOUT:

Maynard Terrace has a strong and distinct character of continuous terraced properties with high hedgerow boundaries and narrow access points. The site itself forms a highly visible and legible urban edge to Clutton. The pasture, hedgerow and ridgeline of Maynard Terrace form a strong and legible landscape feature across the valley to the south. The proposed development will extend the development of the village beyond the existing housing development boundary and into the valley and whilst it is indicated that there would be some level of terracing the majority of the proposed development is described as being detached clusters of development, as the previous case officer concluded this is alien to the distinct character of Maynard Terrace and would fail to respect the character or respond to the local context.

It is noted that layout is a reserved matter and therefore this report does not focus on the indicative scheme as presented, notwithstanding, should this application be successful, a careful reconsideration of the layout would be required in order to create a scheme that is acceptable in terms of the local context and setting.

RESIDENTIAL AMENITY:

It is noted that in general the previous case officer assessed the majority of the layout of the site to be acceptable in terms of its impact on the adjoining properties along Maynard Terrace, given the topography and level of separation of the site from the existing terrace it was felt that in general there would not be a significant loss of amenity to surrounding residents if this site were developed.

The previous application raised concerns in respect of the impact on the residential amenity of the adjoining dwelling An-Yah and it is noted that the applicant responded to this by amending the layout so as to overcome the previous concern. Notwithstanding, by removing the layout element from this application, the Council cannot make a judgement of the impact on of the proposed development on individual adjoining properties and as such the issue of residential amenity in respect of individual properties would need to be assessed at a later stage.

LANDSCAPE AND TREES:

The site is currently an open and undulating field, laying between Maynard Terrace and the brook to the south of the site. The local topography of the site is considered to be an important feature. The need for flat development plots and an access road will inevitably lead this topography being irrevocably changed leading to an erosion of the rural character of this area.

Concern was previously raised in respect of the loss of hedgerow fronting Maynard Terrace, this formed the fourth suggested reason for refusal. In light of the concerns, the applicant has confirmed that the healthiest parts of the existing hedge is to be transplanted and largely retained with access gaps created to serve various parts of the site. The only element of hedgerow to be completely removed surrounds the area of the proposed realignment of the road network.

In view of the above, it is considered that the proposed development whilst resulting in the loss of some of the hedgerow will ultimately preserve the natural landscape of the area. Full details of the landscaping and landscape enhancements would need to be addressed through a reserved matters application.

The application has been submitted with an Arboricultural Method Statement which is comprehensive in assessing the merits of the trees onsite. There are some good semi-mature trees on site, predominantly on the site boundaries. These trees have the potential to be valuable landscape features and to be integrated into the proposed development. It is noted that the arboricultural officer did not previously object to the development of the site however has stated in respect of this application that the scheme is unacceptable in its current form. The primary reasons for not supporting this scheme relate to the lack of assessment or reference of retained Policy NE.4 and the proposal to plant London Plane trees, a less favourable species than the typical rural species noted in the wider area. Both of these observations are noted however as landscaping is a reserved matter it is felt that there is insufficient weight to refuse the outline application on the grounds of the impact on the hedgerow and trees.

In summary, it is felt that the applicant has adequately addressed the previous objection to the development of the site. The confirmation of the retention of the majority of the hedgerow is welcomed however details of the landscaping and areas of enhancement would require further assessment as part of a reserved matters application in the event that outline permission is granted for the site.

HIGHWAYS:

Maynard Terrace currently serves approx. 60 dwelling with a high proportion of these dwellings having parking served by a private access road leading off Maynard Terrace at an oblique angle, close to the junction with Station Road; the current access to Maynard Terrace is narrow and has severely restricted visibility. Maynard terrace is of approximate length 430m, and terminates without any standard turning head, and with a gated access leading to an old roadway off to the east. This former roadway is not part of the public highway or a public right of way.

The previous scheme indicated an unacceptable highway layout, which the Highway Officer considered would result in an increased use of the sub-standard junction of Maynard Terrace/Station Road, and would result in conflicting traffic movements at the proposed new Maynard Terrace junction and the junction of the private access road, close to the existing junction with Station Road.

In response to the highway objections, negotiations were held with the applicants and the Highway Development Team to seek an appropriate highway scheme. The current application proposes the realignment of Maynard Terrace, so that the main part of this

road forms a priority junction with the new access road and would result in the private access road forming a junction with the realigned Maynard Terrace, the existing residential units off Maynard Terrace would be served by a new priority junction onto the proposed site access road. As part of the application the applicant has proposed a reprioritisation of the junction between Clutton Hill, Station Road and Maynard Terrace, this would give the priority to traffic using the new access road and Station Road. This approach has been agreed in principle by the Highway Development Officer however is conditional on the success of this application – there appears to have been some confusion raised by objector as to when the reprioritisation would happen however it is understood that this would only come forward in the event that consent were granted for the housing development.

The new access road, continuing on from Station Road, would include a 2m wide footway on its eastern side, which would link to the proposed virtual footway to the north-west. The realigned junction serving the existing Maynard Terrace would also have 2m footways to both sides of the road for the initial section, with a single footway continuing to the end of the road across the northern frontage of the proposed development.

This revised arrangement for access serving the development, compared to the previous planning submission, would achieve safer junctions for the existing Maynard Terrace road and the private access road, whilst also achieving an acceptable arrangement for movements between Station Road and Maynard Terrace, and Clutton Hill with Station Road/Maynard Terrace. The Highway Officer is content that the revised proposal adequately addresses the previous objection in relation to the increase in vehicle movements at the junction between Maynard Terrace and Station Road. It is concluded therefore that the applicant has adequately overcome the sixth reason for refusal as cited in the previous application.

Turning to the comments raised by the Highway Officer in respect of internal layout of the site, it is noted from the revised layout that was initially submitted that the Highway Officer has stated in general the access roads and parking arrangements area acceptable, thus overcoming the previously published fifth reason for refusal. Notwithstanding, as the applicant has withdrawn layout from this outline application the Council is unable to assess the relative merits of this part of the scheme and a full assessment would be required in line with a reserved matters application should outline consent ultimately be granted.

Despite the confirmation that the access arrangements to the site as proposed are now deemed acceptable, the Highway Officer remains of the view that the site is in an unsustainable location, and whilst recognising that the village has a number of local facilities and there are some bus services, this site is not considered to be well served by public transport or to offer sufficient choices to residents for more sustainable modes of travel. In light of the issue of sustainability, access to facilities, services and employment (discussed above) the Highway Development Officer concludes that the application is contrary to Policy T.1 of the adopted Local Plan, Policy 1 of the Joint Replacement Structure Plan and contrary to the NPPF which seek to facilitate the use of sustainable modes of transport.

The Highway Officer has stated that in the event that it is considered that the site does meet appropriate tests for sustainable development, and the highway reasons for refusal

are set aside, any permission should be withheld pending the completion of a legal agreement to secure the highway works and highway contributions, and appropriate conditions would be recommended.

ECOLOGY:

It is acknowledged that the application is accompanied by comprehensive ecological surveys. However, the proposed development site boundary and ecological survey boundary differ and the ecological assessment appears to have been based on a masterplan concept that differs from the submitted proposals.

The site and the adjacent land, which forms part of the same field but outside the development boundary, are of considerable ecological value. This includes botanically species-rich grassland; species rich mature hedgerows, including hedges that would qualify as "important" under the Hedgerow Regulations; badger activity; breeding populations of grass snake and slow-worm; and bat flight routes, including records of at least six different species and possible records of use of the south west boundary by the very rare Barbastelle bat.

The ecological surveys find there is significant ecological value at the site and the Council Ecologist has stated that this is sufficient for the site to qualify as a Site of Nature Conservation Interest (SNCI). The initial consultation response by the Ecologist has raised an objection stating that insufficient data has been submitted and there is insufficient detail about the ecological value of the development site itself and the proposed mitigation to draw conclusions regarding the ecological impact.

Following the submission of an additional ecology survey the Ecologist remains of the opinion that it does not appear possible for the degree of ecological mitigation and compensation needed for this scheme to be achieved within the current proposal. The level of detail of survey within the site of the proposed development is constrained by the chosen survey methodology of using quadrats to evaluate the quality of the grassland and determine. Having visited the site and noted variations in species diversity within this open grassland area proposed for development, including patches of grassland that clearly contain a higher forb content and lower proportion of grass than other areas indicated by the quadrat results. The Council's Ecologist has stated that she is not confident that the data obtained from these three quadrats and conclusions of the ecological survey report sufficiently acknowledges the ecological value of the grassland proposed for development.

In respect of the assertion that the proposal will deliver "biodiversity enhancement" this is considered incorrect as the proposal will result in the loss of habitats of ecological value and a net negative ecological impact. To compensate for loss of grassland, the ecological report states in section 5.2.1 that "the southern half of the field will be retained and managed to maintain and extend the MG5 community already present". This statement is not however backed up by any commitment to this or proposals for this in the submitted scheme and it is not clear that it would be feasible. Such management could potentially contribute in part to an ecological mitigation and compensation package, and this would reduce the degree of overall ecological harm. However this alone would be insufficient. The remainder of the field would need to be safeguarded in perpetuity and managed as species rich grassland, with long term implementation of a sensitive habitat management

regime that aims to increase the botanical diversity of the grassland, and extend the area of botanically rich grassland. Other significant ecological measures would also be necessary to attain an acceptable level of ecological mitigation and compensation, including for losses of and impacts to hedgerows and trees, use of the site by protected species, and overall ecological value.

The scheme in its current form does not sufficiently acknowledge the ecological value of the site within the proposed development boundary, nor the degree of ecological harm that will result. It does not demonstrate any attempt to first avoid harm to ecology nor does it provide any commitment or sufficient proposals for measures to compensate for unavoidable impacts.

It is concluded that it does not appear possible for the degree of ecological mitigation and compensation needed for this scheme to be achieved within the current proposal and that the proposed development would adversely affect a site of nature conservation value, contrary to Policies NE.9 and NE.12 of the adopted Local Plan.

HOUSING:

For a proposal to be considered as a rural exception site, falling under the remit of Policy HG.9, the Parish Council would need to support a detailed and transparent Parish wide affordable housing needs survey. This has not been done. Subsequent to this, is the need for a Parish led sequential site appraisal to identify in planning terms the most appropriate site for development and has not taken place. Notwithstanding this, if the required studies had been undertaken, it is likely that the proposal would be considered in excess of small-scale local needs development and includes a significant amount of market housing which is not permitted under this policy.

The Housing Development Officer has raised concerns that additional affordable housing above the 35% required by Policy HG.8 can only be brought forward only if Somer Housing Trust is the final land owner and developer and that this could be secured through a Section 106 Agreement. The applicant has confirmed that it is intended that Curo (the new name for Somer Housing) will be the final developer of the site.

The information submitted alongside the application contains details of Clutton's need for additional market housing. Local and National policy recommends the mix of market housing should provide choice by ensuring a range of house types, having regard to the existing mix of dwelling in the locality and the character and accessibility of the location. This means providing a wide choice of housing to meet the needs of the whole community in terms of tenures and prices ranges.

Market housing on the site should seek to support the sustainability of Clutton, such as provision for first time buyers or housing for older people looking to downsize from family housing and wanting to remain within the village. It is anticipated that local market housing needs will require an element of one and two bedroom houses and a lesser percentage of three and four bed dwellings in order to ensure a range of affordable market housing options to address local needs.

As was raised in the previous application, in view of the above, the market housing mix is not considered to address local needs as there is an identified general lack of smaller units in the village. It is unfortunate, that whilst the application proposes a higher number of affordable homes than policy requires, it fails to provide the full mix of affordable housing types that respond to the identified local need. As with the previous application, this proposal fails to deliver any one bed affordable homes, despite the applicants supporting housing statement identifying a high one bed need, determining there are very few one bed affordable dwellings within the affordable housing stock and that no turnover within the existing one bed affordable housing stock has occurred since 2009.

In general the high level of on-site affordable housing, secured and delivered by Curo and prioritised for local people is welcomed and would certainly help to address the housing need identified in this part of the district. Despite the comments above in respect of the lack of provision of one bed dwellings, as the application does not seek consent at this stage for design and layout, the above issue could be addressed at a later stage as part of a reserved matters application and therefore should not be seen as a reason to reject this current application. The issue raised with the previous application (the eighth reason for refusal) in terms of clustering does not apply to the determination of this application as layout is a reserved matter.

OTHER ISSUES:

The site is located within the defined Coal Mining Development Referral Area as there is evidence of coal mining hazards and features in the site or its surrounding area. The application has submitted a Geo-Environmental Assessment Report to accompany the application and has subsequently provided a Mining Survey Report. In light of comments made by the Coal Authority the applicant has confirmed that they propose to conduct the recommended investigations at the post-permission stage in the event that consent is granted and can then incorporate any requisite mitigation and remediation at the reserved matters stage. With this in mind, given the position of the identified location of the bell pit on site and the fact that layout is to be considered as a reserved matter, the presence of historic mining activity on site should not be used as a reason to refuse this application.

The Education Department has identified a shortfall of primary school places and youth services provision in the local area however have requested contributions of £33,578.21 to ensure adequate provision is made. The Council's Education Department is satisfied that that there is room for the school to expand, subject to the above contributions.

The proposed open space is not considered to be acceptable in its current form and contributions of £86,640 would be sought for off-site provision of open space to replace that lost by the development and £4,445 in respect of the provision of off-site allotments. It is acknowledged that the application confirms a commitment to cover the requirements for open space provision as part of a legal agreement.

Representations have made reference to how the obligations can be secured. Should permission be granted for the site, the applicants and other interested parties would enter into a Section 106 Legal Agreement with the Council. The s106 would include trigger points for when the contributions would be required to be paid, and the Local Planning Authority monitor schemes to ensure the contributions are being paid. If the land is sold,

the s106 Agreement is transferred to the new owners and any contributions become their responsibility.

A Screening Request was submitted to the Council in January 2012 seeking a view as to whether the proposed residential development of this site represented EIA development. The assessment concluded that the proposed development of the site is likely to have an impact on the visual character of the surrounding landscape and contribute to traffic and congestion however these issues are largely localised. The assessment confirmed that further investigation of the impact on the ecology of the site would be required however concluded that the scale of the development is significantly below the threshold to be considered EIA development. The Screening Assessment concludes that the proposed development does not represent EIA development.

CONCLUSION:

This revised resubmission raises some interesting and challenging questions for the Council and by no means offers a clear cut decision, particularly in light of the current policy position. Whilst it is acknowledged that the applicant has adequately addressed the majority of the previously published reasons for refusal, offered to provide 53% affordable housing on site, which is in excess of the percentage required by the Policy HG.8 and received in principle support for a revised and reconfigured road layout in order to address the issues relating to access, congestion and highway safety, fundamentally the proposal still fails to comply with policy insofar as offering housing beyond the defined development boundary and the aforementioned benefits are not considered sufficient enough to outweigh or override the in principle objection.

As was concluded in the previously withdrawn application, due to the location outside of the housing development boundary, the site is considered to be in an unsustainable location, so will result in an increased reliance on the private car. The size, scale and proposed market housing mean the site cannot be considered as a rural exception site in terms of Policy HG.9 and being outside the housing boundary makes the application contrary to Policy HG.4. The proposed development is contrary to Policy HG.10, which restricts new dwellings outside of settlements to that which is essential for agricultural or forestry workers.

For the reasons set out in this report in respect of the impact on the ecology and biodiversity of this site it is concluded that the proposed development would cause unacceptable ecological harm to the nature conservation of the site contrary to Policies NE.9 and NE.12 of the adopted Local Plan.

Due consideration has been given to the NPPF and the statements made therein in respect of the weight Local Authorities can attribute to existing policy frameworks, particularly where a 5-year land supply cannot be demonstrated. Notwithstanding, of material consideration to this case is the weight the Inspector has given to the Bath & North East Somerset Council Core Strategy suggested rural areas policies as set out in the ID/28 report. The Council's revised position in respect of Policy R1 (which would be applicable to Clutton) has been accepted in principle by the Inspector and is therefore likely to be enshrined in Policy once the Core Strategy comes forward; this policy makes it clear that development outside housing development boundaries would not be acceptable. Fundamentally, as was stated at the beginning of this report, the inspector has confirmed

that "housing beyond existing HDBs will have to await the review of such boundaries through the Placemaking Plan or identification of sites in a Neighbourhood Plan, both of which provide appropriate mechanisms for community involvement regarding the scale and location of new housing in a village". To reiterate the point made before, it is clear from this statement that this proposed development remains unacceptable and it would be premature to consider releasing this site in advance of the Placemaking Plan - at which time the Council may seek to review its current Housing Development Boundaries in order to find appropriate alternative development sites.

RECOMMENDATION:

In light of the above despite the merits of the case and the revisions made in light of the Council's previous objections, it is considered that the proposed development would still represent a departure from the adopted Development Plan and there are no planning merits that outweigh the conflicts with the Development Plan Policies. It is concluded therefore that the application should be recommended for refusal.

RECOMMENDATION

Subject to no new issues arising in respect of the publication affecting the Public Right of Way it is recommended that Members defer and delegate the decision to the Development Manager to be refused for the following reason:

1. The proposed development of this site, located in the countryside outside of any housing development boundary, remote from services and employment opportunities, and poorly served by public transport, is contrary to the principles of sustainable development and would be likely to result in unsustainable transport movements in the private car. Due to the size of the site and the inclusion of market housing, it cannot be classified as a rural exception site. The proposed development is considered to be contrary to Policies T.1, HG.4 and HG.9 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan, and contrary to the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport.

2. Inadequate details have been submitted to enable the Local Planning Authority to fully assess the potential impact on nationally and internationally protected species, locally important species and flora and proposed mitigation, therefore the development is contrary to Policies NE.9 and NE.12 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

PLANS LIST:

This Decision Relates To The Following Documents:

Arboricultural Method Statement, Design & Access Statement, Drainage Strategy, Ecology And Protected Species Survey, Flood Risk Assessment, Housing Statement, Landscape & Visual Report, Phase 1 Geoenvironmental Assessment, Planning Statement, Preliminary Utility Study, Statement Of Community Involvement And The Transport Assessment Date Stamped 30th April 2012, The Transport Assessment Addendum Date Stamped 30th May 2012, The Preliminary Ecological Appraisal Date

Stamped 27th June 2012, The Highway Safety Audit Date Stamped 9th July 2012 And The Mining Survey Report Date Stamped 2nd August 2012

This Decision Relates To The Following Drawings:

Site Location Plan, Tree Protection Plan, Proposed Layout Sections And Indicative Street Scenes Date Stamped 30th April 2012 And Drawings 00756 Rev. A - Mining Record Survey And 00758 Rev. A - Mining Record Survey Section A - A Date Stamped 2nd August 2012

Item No: 05
Application No: 12/02626/FUL
Site Location: University Of Bath, University Of Bath Campus, Claverton Down, Bath



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Nicholas Coombes Councillor David Martin
Application Type: Full Application
Proposal: Construction of new academic building to provide general teaching accommodation
Constraints: Agric Land Class 3b,4,5, Forest of Avon, General Development Site, Hotspring Protection, Tree Preservation Order, World Heritage Site,
Applicant: University Of Bath
Expiry Date: 4th October 2012
Case Officer: Geoff Webber

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Whilst this particular proposal is relatively straightforward in the context of the University of Bath's development programme, it represents the first opportunity to introduce Members to the University's revised and updated Master Plan, which has been produced by the University to guide its development through the period to 2026 (which ties in with the Council's Draft Core Strategy). It is for this reason that the Development Manager considers that this application should be considered by Committee.

The new Master Plan is not part of the current Planning application and it is not intended that it should gain any formal status within the Planning process. However, it constitutes an essential supporting document which will be used repeatedly in the future to provide a context for individual development projects as they move through the planning application process.

The Officer presentation will take in the essentials of the new Master Plan, and then relate these to the current application.

DESCRIPTION OF SITE AND APPLICATION

This proposal relates to a proposed General Teaching Building that will provide teaching and seminar space in support of academic work across the spectrum of the University's course programme. It is not tied to any particular Department or subject area, but will provide high quality general purpose spaces of various sizes, and will be used intensively throughout the academic year. The building will not in itself generate a demand for additional staff or represent an opportunity for an expansion of student numbers, but is seen as a prerequisite to meeting the University's aspirations to provide the best possible accommodation on the Claverton Down campus.

The University of Bath Master Plan

The University's last Master Plan was prepared in 2001, and thus predated a number of significant projects on the campus, most notably the construction of the Sports Training Village and the completion of around 800 additional student bedrooms. The University states that a subsequent growth in student numbers and the success of its research programmes have meant that over the 11 years since the previous Master Plan was produced there has been increasing pressure on space within the campus. In addition, the increasingly poor condition of the University's original buildings at the heart of the campus has become a priority for the University to address.

In the Bath and North East Somerset Local Plan, adopted by the Council in 2007, the University of Bath Campus was identified as General Development Site B1 within Policy GDS.1. This will be set out in more detail later in this Report, but the site-specific policy introduced St John's Field into the designated campus area, and required that future development should be brought forward in the context of a "university-wide master plan". A number of smaller schemes with little or no strategic impact have been permitted since the adoption of the Local Plan, but even for these it has become increasingly clear that a replacement strategic context was necessary. The new University of Bath Master Plan is

a direct response to that Local Plan requirement, but has also now taken account of the Council's Draft Core Strategy and has also allowed the University to tailor its development programme to take account of recent structural and financial changes within the Higher Education industry.

The University of Bath has been consistent in securing and maintaining a position near to the top of league tables of universities in the UK. Its reputation is important to the University, but also highlights the University's importance as an asset to the city and the District in general, and the new Master Plan is principally aimed at ensuring that the accommodation at the Claverton Down campus meets the developing requirements of this important institution.

The University advises that its new Master Plan "is underpinned by a robust evidence base ... and has been the subject of extensive stakeholder and public consultation." This engagement with its community has more recently allowed the University to respond to criticisms about the degree of increase in parking facilities and the amount of recreation space being sacrificed. The latest version of the document shows a significantly reduced amount of additional parking and also incorporates proposals which minimise the loss of recreation space, especially along the sensitive eastern boundary of the campus.

In discussions between your Officers and the University, it has been agreed that the new Master Plan would be produced on a flexible, "loose-leaf" basis. This allows the University to bring forward further revisions on a more frequent basis, both in order to ensure that the Master Plan continues to properly reflect the University's evolving development programme, and also to facilitate the formulation of programme responses to political, economic and financial opportunities and challenges. By comparison, the 2001 Master Plan was more formal and therefore less flexible, and as a result has become increasingly less relevant as the years have passed.

In the Introduction to the latest Master Plan Update, the University states that "its intention is to summarise the development proposals in the form of a development framework that establishes the key parameters for the future development of the campus." These development parameters emerge from a more detailed 2009 Master Plan Report which provides the baseline information upon which the University continues to rely. As the University puts it, the evolving Master Plan "will be submitted with future planning applications for specific proposals to demonstrate how they "fit" with the overall Masterplan. It is not, therefore, intended to be a static document, but a living document that evolves to reflect the on-going development of the campus as developments come forward for implementation." Notwithstanding this flexible approach, the new Master Plan identifies with appropriate robustness, those parts of the campus where development is not proposed, and where the green character of the campus as a whole is intended to be safeguarded. Addressing this last issue is a specifically requirement of the Council's adopted Local Plan policy.

Your Officers endorse this approach as being the most satisfactory means of maintaining a degree of strategic awareness in respect of the University's development programme, whilst also allowing review and comment by all stakeholders on a regular basis, within the context of the Council's Local Plan and Draft Core Strategy policies.

The previous Master Plan was supplemented, in connection with the granting of planning permissions for the Sports Training Village, by a detailed Travel Plan aimed at securing a year-on-year reduction in the amount of car parking available on the campus. That Travel Plan runs until next year, and has been a useful and successful tool in assisting in the long-term management of the travel demands of the University. In discussion with your Officers, it has now been agreed in principle by the University that if the current application is to be permitted, then that permission should be accompanied by an agreement under S.106 of the Town and Country Planning Act 1990 providing for the negotiation and instigation of a new Travel Plan that will replace the existing travel framework when the current document expires next year.

The principles of the new Travel Plan are still being negotiated, but in essence, the document will focus on managing vehicle movements rather than addressing (as now) the issues through the less direct approach of managing parking provision. This is for three main reasons. Firstly, the scale and nature of the University's development programme means that as new buildings are constructed, then new parking facilities will be required to replace those being lost, and as a result, the number of parking spaces will go up and down from time to time as developments proceed. Secondly, the management of vehicle movements overcomes the shortcomings of a parking space management approach, which does not reflect the potential for each parking space to be used more than once during a day. Thirdly, the new approach will allow the University to operate bespoke traffic management regimes during periods when the campus facilities are used for conferences and other similar functions, whilst maintaining its close controls over student car usage. The planned increase of on-campus student accommodation - with all first year students intended to be offered on-campus student bedrooms - means that there is an in-built opportunity for overall term-time travel demand to be reduced as the development programme proceeds.

Predicted Growth

The University currently has over 14,000 students and more than 2,600 staff, and whilst this represents a huge increase from its original size when the academic needs of around 5000 students were first based at Claverton Down, the average annual growth in student numbers over the last ten years has been about 4%. The University highlights that whilst it is still expected that numbers will grow, it is almost impossible to accurately predict that growth over the period to 2026. Accordingly, the University's Master Plan addresses a potential for growth in student numbers of between 1 and 3% over the period to 2026, and the Master Plan is designed to operate within that range. It includes provision for 60,000 sq. metres of academic and administrative space, and 2,400 new study bedrooms, although some of these provisions represent the replacement of existing facilities.

The University highlights the Council's most recent policy as set out in Policy B5 in the Draft Core Strategy. This seeks to encourage the concentration of floorspace and student accommodation on the Claverton Down Campus, as by maximising the efficient use of campus land the University and the Council will be better able to control student-related accommodation demands in other parts of the city.

The Proposed Development

The current application proposes a building with five floor levels (although the internal arrangement is quite complex, as will be demonstrated during the Officer presentation at the meeting). The total height of the building is 24.5 metres (plus three boiler flues on the western elevation), and whilst this is substantial it will be located in close proximity to other existing buildings in the core of the campus. In almost all views, the building will be seen as an integral part of the complex of University buildings. Other, taller buildings will frame the current proposal and ensure that its impact remains acceptable. The immediately adjoining Founder's Hall and Estates buildings are smaller in scale, but will not be significantly affected by the proposed new structure.

The floor heights inside the building have been shaped by the teaching needs within the various rooms. The two larger (150 seats each) lecture theatre spaces occupies multiple floors, whilst the more modest teaching spaces use individual floors and have been arranged in order to maximise the efficient use of space within the building. The building as a whole measures 42.3 by 51.6 metres and it will provide 8,236 sq. metres of accommodation.

Members familiar with the University will know that the main core buildings are linked by an elevated access concourse, with servicing taking place mainly below this raised deck. In order to link the current proposal into the existing core campus area, an elevated walkway is included in the current application, which will enable staff and students to gain access to and from the new teaching accommodation at the raised concourse level, as well as at ground level. Plans showing this detail and the relationship with existing buildings will be shown at the meeting.

The proposed palette of materials incorporates the use of a range of high quality finishes, including dull matt-finish copper metallic, terracotta, glazed and subdued coloured metallic panels and rendered sections, and these will sit comfortably alongside the existing buildings in the surrounding parts of the campus. Grey external vertical fins are a feature of the design. The University highlights that the majority of these materials are similar to those already used in recent developments elsewhere on the campus.

A Visual Impact Appraisal has been submitted as a supplement to the application, and this will be included in the Officer presentation at Committee. It is designed to demonstrate that in spite of its height and bulk, this building will not have a significant adverse visual impact upon the surrounding area.

Pedestrian access to the building will (in addition to the elevated walkway) make extensive use of existing routes within the campus, thereby integrating the new development with its existing context in a seamless and easily-assimilated fashion. Servicing will also use exiting access routes, and (as mentioned previously) the proposed development will not in itself generate additional parking requirements. Parking and travel demands considerations will, in any event, be addressed through the medium of a renewed Travel Plan, the details of which are currently being reviewed by Officers in discussion with the University.

The University has for some time operated a policy of minimising energy and resource usage throughout the campus. In response to a request from Officers, the following statement has been submitted on behalf of the University:

"The University of Bath takes its environmental responsibilities seriously and is determined to reduce the impact of its activities. They are a major user of energy and water with an annual spend of around £6m. Therefore, the University has through its Carbon Management Plan set itself some challenging targets, including cutting CO2 emissions by 19% by 2014/15 and 43% by 2020.

It is a priority for the University that all new buildings are designed to achieve a high level of carbon efficiency, aligned with best practice. In accordance with the sustainability aspirations of the University, the GTA building has been designed to minimise energy use which will in turn reduce running costs. This is achieved through the provision of a thermally efficient envelope, passive design measures and energy efficient systems. The building seeks to achieve an EPC rating of B as a minimum. The building has been designed to ensure that the roof is able to accommodate a photovoltaic array if this becomes a design requirement now or in the future to further reduce carbon emissions.

In addition, the University has recently confirmed that it is replacing its existing CHP plant that has reached the end of its economic life and the GTA building has been designed to connect into the new district heating CHP system that is a highly efficient low carbon technology.

A completed Sustainable Construction Checklist accompanied the planning application."

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION RESPONSES:

Highways Development Officer: The Highways Officer has commented that the success of the Master Plan proposals will depend upon the continued close management of travel demands, and upon the continued availability of convenient public transport serving the University. There are no objections to the current proposal as long as effective measures are in place to continue the benefits of the current Travel Plan arrangements when the existing document expires in 2013. In later discussions with the University, the Highways Officer has identified a need for on-going support for the reinforcement of bus and pedestrian facilities serving the campus. These discussions are on-going, and whilst the University has now submitted a generally acceptable set of Draft Heads of Agreement in respect of the Travel Plan issues referred to above, further commitments are being sought in respect of the additional items. Any further Officer comments will be reported to Members at the meeting.

Arboricultural Officer: No objections to this proposal as it is consistent with the Master Plan and as the trees to be removed are not publicly visible. The Arboricultural Officer suggests that a strategic approach to tree management on the campus would be beneficial, and this could be achieved via a S106 Agreement or similar approach. Conditions are recommended in order to ensure that tree protection measures are in place before and during the development.

Archaeological Officer: No objections subject to the imposition of an appropriate Condition to secure effective monitoring of excavations. A document detailing the proposed approach has subsequently been submitted, and any further Officer comments will be reported to Members at the meeting.

Urban Design Officer: The Urban Design comments highlight the scale of the proposed building, which is stated to be "comparable to the taller buildings on the campus". Nevertheless, the Urban Design Officer expresses concern that the visual impact of the building has not been adequately tested by the applicants and that there is potential for the proposal to adversely impact upon the nearby Cotswolds Area of Outstanding Natural Beauty and the setting of the World Heritage Site. The comments reference the Council's Buildings Heights Guidance which was published for information as part of the evidence base for the Core Strategy. The proposed building exceeds the height indicated as acceptable within that document, not because the number of floors is excessive, but because the storey heights are dictated by internal requirements rather than external analysis. The comments conclude that if the proposal is considered on balance to be acceptable, then care needs to be taken to avoid the use of materials selected to safeguard the sensitive setting of the University.

A Visual Impact Appraisal has been submitted in response to the above comments, and any further Officer comments will be reported to Members at the meeting.

Ecology: The Council's Ecological Officer and Natural England have both requested that discussions take place regarding the agreement of a strategic approach to the management of ecology and biodiversity across the campus, with particular reference to the proximity of the campus to the Special Area of Conservation (SAC) associated with bat colonies in southern Bath. Once again, any further Officer comments will be reported to Members at the meeting.

OTHER REPRESENTATIONS:

Bath Preservation Trust: The Trust has submitted comments generally supporting the University's development programme, and raising No Objections to the current proposal. . The height of the proposed building is considered to be acceptable, although additional contextual analysis would be beneficial. Any greater height would not be acceptable. The appropriateness of the use of copper cladding as a facing material is questioned, particularly if it is likely to be prone to weathering to a green colour.

POLICIES/LEGISLATION

NATIONAL AND LOCAL PLANNING POLICIES:

The 2012 National Planning Policy Framework (NPPF) sets out Government Policy for dealing with Planning proposals.

In the Bath and North East Somerset Local Plan, adopted in October 2007, a range of policies are relevant. Pending the adoption of the still emerging Core Strategy, a number of Local Plan policies have been "saved" and remain valid at the present time, subject to consideration as appropriate in respect of the extent of their compliance with the NPPF.

Local Plan Policies relevant to this proposal are:

- IMP.1 Planning Obligations
- D.2 General Design and Public Realm Considerations
- D.4 Townscape Considerations
- ES.2 Energy Conservation
- NE.2 Areas of Outstanding Natural Beauty

BH.1 Impact of Development on the World Heritage Site or its Setting
T.24 Access Considerations
T.25 Transport Assessments and Travel Plans

Of particular relevance is the site-specific Policy GDS.1 (B11), which designates the University of Bath Campus at Claverton Down as a site for "approximately 43,250 sq. metres of additional non-residential university development , plus approximately 200 additional student bed spaces, subject to a range of provisions including a requirement for a university-wide master plan."

The Core Strategy for the District remains in Draft form, but whilst its housing section in particular remains under review, other parts of the document can be given some significant weight in the determination of Planning applications. Policy B5 relates specifically to a Strategic Policy for Bath's Universities, and indicates that the University of Bath Campus remains identified as an appropriate location for the additional development specified in Local Plan Policy GDS.1 (B11) (see above). The supporting text states that "The Council seeks to enable the continued success of the University of Bath and Bath Spa University and the contribution they make to the city's identity and profile."

OFFICER ASSESSMENT

This proposed development is a substantial building that forms an essential component in the University of Bath's development programme as set out in its updated Master Plan for the campus. The General Teaching Accommodation to be provided will benefit the University as a whole, in updating and enhancing its operational academic space, and will be used by Departments across the University, and in connection with other University-based events and programmes, especially during the periods between University terms.

The building is proposed to be located within the highly-developed central core area of the campus, and will be closely surrounded by existing buildings, many of which are of a similar scale.

Largely because of this central location amongst existing buildings, the Planning considerations in respect of this development are surprisingly few in number. Nevertheless it is essential to consider all material issues, and the principal Planning considerations are:

1. Compliance with the NPPF and with Council's Local Plan and Draft Core Strategy policies
2. Visual Impact in views within the campus and into the campus from the sensitive surrounding environment
3. Access and Parking
4. Trees
5. Ecology
6. Archaeology

These will now be addressed in turn.

1. Compliance with the NPPF and with the Council's Local Plan and Draft Core Strategy policies

The Local Plan designates the University campus as a General Development Site under Policy GDS.1 (B11). This provides for a substantial increase in non-residential floorspace on the campus, together with a large number of additional campus-based student bedrooms. These provisions are rolled forward into Policy B5 in the Draft Core Strategy, which also specifically refers back to the saved Local Plan policy. The Draft Core Strategy also sets out the Council's commitment to supporting both Universities in the light of the broad benefits that they bring to the city and to the District.

A key requirement of the established Policy framework is the requirement for a new and updated Master Plan to cover the University's intended development programme. The University has indeed updated its 1991 Master Plan, and the new, less formal document has been submitted alongside the current application as a supporting document. The Master Plan itself broadly meets the Local Plan's requirements in that it demonstrates that development proposals over the period to 2026 will be focussed upon the already heavily-developed core of the campus, whilst important open areas (particularly to the south) will be safeguarded in order to maintain the existing green and attractive setting to the large academic and residential buildings that characterise the campus.

Your Officers are generally satisfied that the strategic elements in the updated Master Plan meet the requirements of Local Plan Policy GDS.1 (B11). However, as has been identified in comments from the Council's Urban Design Officer and the Highways Team, and in the responses from the Ecological Officer and the Arboricultural Officer, there are ways in which the Master Plan can be enhanced by using S.106 Agreements to secure practical commitments and information from the University that the Master Plan does not itself address. As the first major proposal to come forward under the new Master Plan framework, this current application presents an important opportunity to secure many of these commitments and in discussions with your Officers the University has responded positively to the principles of such an approach.

When fleshed out in this manner, it is evident that the new updated Master Plan broadly complies with established and emerging Council policies, and has been constructed so as to provide a clear (and yet flexible) context for the assessment of individual development proposals. Whilst formal approval of the updated Master Plan is not being sought, your Officers are of the view that an informal Plan, regularly reviewed and updated, is a much more effective means of supporting each individual proposal that emerges over time.

Officers are satisfied that the current development proposal is generally in accordance with the Council's policies. In addition, the proposed development and its associate Master Plan are considered to be broadly in accordance with the national Policies set out in the National Planning Policy Framework.

2. Visual Impact in views within the campus and into the campus from the sensitive surrounding environment

In response to the Urban Design Officer's comments, the University has submitted an additional Visual Impact Appraisal, and this provides a clear pictorial demonstration of how the potential adverse impact of a large building like the current proposal can be assessed in a straightforward manner, so that its real impact can be seen to be minimal. In this fashion, the proposal can now be seen to sit within the context of the existing buildings in the central part of the campus, many of which (as the Urban Design Officer comments)

are of a similar scale to the current scheme. The Council's Building Heights advice has no formal status as Policy, but it does provide guidance with regard to a starting point for the analysis of visual impact, and the Visual Impact Appraisal and the supporting comments of the Bath Preservation Trust serve to demonstrate that this particular building will have a substantially less significant visual impact than its height and bulk would suggest.

Officers are satisfied that the current development proposal is acceptable in terms of its visual impact. In particular, because it will integrate with the surrounding group of substantial buildings within the core of the campus, this new building will sit within the context of these existing buildings and will not adversely affect view of the campus from the surrounding area, and will not harm the character and appearance of the setting of the World Heritage Site, or the amenities of the adjoining Cotswolds Area of Outstanding Natural Beauty.

3. Access and Parking

The Highways Development Officer has raised no objections to the current proposal. This is largely because it will not in itself give rise to increases in staff or student numbers.

However, The Highways Team has identified the need for the University's existing Travel Plan to be updated so that its benefits can continue when the current document expires next year. In addition, on-going contributions are sought in order to maintain support for bus services serving the campus, and also additional contributions towards the enhancement of public footpath links in the area surrounding the campus. The University is responding positively to these requirements, but discussions are on-going, and it is thus only possible at this stage to conclude that a S.106 Agreement is necessary in order to facilitate the agreement and operation of the provisions. The University has already submitted suggested Heads of Agreement in respect of the Travel Plan issue.

Officers are satisfied that the current development proposal is generally capable of being made acceptable in terms of Access and Parking by means of a legal agreement aimed at securing a management regime addressing vehicle movements associated with the University, and also providing appropriate support to the reinforcement of bus and pedestrian facilities serving the campus.

4. Trees

The Arboricultural Officer has raised no objections to the current proposal, but has identified that a strategic tree management plan for the campus would be an important supplement to the Master Plan. This can be secured through appropriate provisions in the required S.106 agreement already under discussion regarding access and parking matters. Members will be updated at the meeting in respect of any progress in these discussions.

5. Ecology

The Council's Ecological Officer and Natural England have jointly expressed a requirement for a more strategic approach to the management of ecology and biodiversity within the campus, particularly with regard to the proximity of the campus to the Special Area of Conservation (SAC) associated with bat colonies in southern Bath. Again

discussions are under way aimed at securing a commitment from the University to this requirement, and Members will be updated at the meeting in respect of any progress in these discussions. It is likely that additional Conditions will be required to supplement any relevant sections of the S.106 Agreement.

6. Archaeology

The Archaeological Officer has raised no objections, but has required a watching brief approach to be secured through the submission and approval of an appropriate framework document. Such a document has now been submitted by the University in response to the comments made, and that document is currently being reviewed. Members will be updated at the meeting in respect of the anticipated further comments from the Archaeological Officer.

Other Considerations

In addition to the specific considerations set out above, Officers have had regard to other potential concerns, such as the impact of development at the University upon the amenities of residents in the surrounding area. This particular building is located a considerable distance away from the external boundaries of the campus, and is not therefore considered likely to have any significant impact upon the amenities of residents. Officers note that the University has for some time been operating a programme of engagement with the local community, and it is recognised that by identifying and addressing the potential concerns of residents at the earliest possible time, the University is assisting the passage of its proposed development schemes through Planning process.

With regard to Sustainability matters, the University has responded to a request from your Officers by setting out its current and on-going strategic approach to the reduction of energy use across the entire campus. This is reproduced in full in the early parts of this Report, and Officers are satisfied that the University's approach is patently more effective than a project-based approach – because it addresses existing as well as new buildings. The University's track record and commitment in this regard is welcomed by your Officers as an essential foundation for its Master Plan-led development programme for the period until 2026.

CONCLUSIONS

Overall, this current proposal is considered to be broadly acceptable having regard to all material considerations, and is consequently capable of receiving your Officers' support. However, there remain a number of issues that have not yet been fully and successfully negotiated with the University, and these remain under discussion. The earliest possible implementation of this scheme is required by the University, in order that the new building can be constructed within a tight programme of facilities enhancement associated with the University academic year structure. Accordingly, Members will be updated at the meeting in respect of progress on the issues highlighted above, and a more detailed Recommendation will be brought forward if possible in an Update Report prior to the meeting.

However, subject to acceptable progress being made in on-going discussions with the University, a preliminary Recommendation is set out below.

RECOMMENDATION

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to:

- (i) the prior completion of a legal agreement under S.106 of the Town and Country Planning Act 1990 (as amended), on such terms as the Development Manager and the Environmental Law Manager may determine, to address issues including the management and monitoring of traffic generation and its implications through the medium of an on-going Travel Plan, to secure appropriate contributions or other commitments to the reinforcement of bus and pedestrian services serving the campus, and to provide strategic approaches to the management of trees and ecology within the campus; and
- (ii) the following Conditions (together with such other Conditions as may be appropriate in the light of the final form and content of the S.106 Agreement):

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 information included with the submitted application, no development shall commence until a final schedule of materials and finishes (supplemented by samples which shall be made available to the local planning authority on request), has 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 surrounding area.

3 No development shall commence until a sample panel of all external walling and visible surfacing 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 surrounding area.

4 No development shall take place within the site until the applicant, or their agents or successors in title, has implemented the programme of archaeological work in accordance with the submitted written scheme of investigation prepared by Wessex Archaeology (dated August 2012).

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

5 No development activity shall commence until a provisional programme of tree works, including supervision and monitoring details, by an Arboricultural Consultant and incorporating the provision of site visit records has been submitted to and approved in writing by the Local Planning Authority.

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

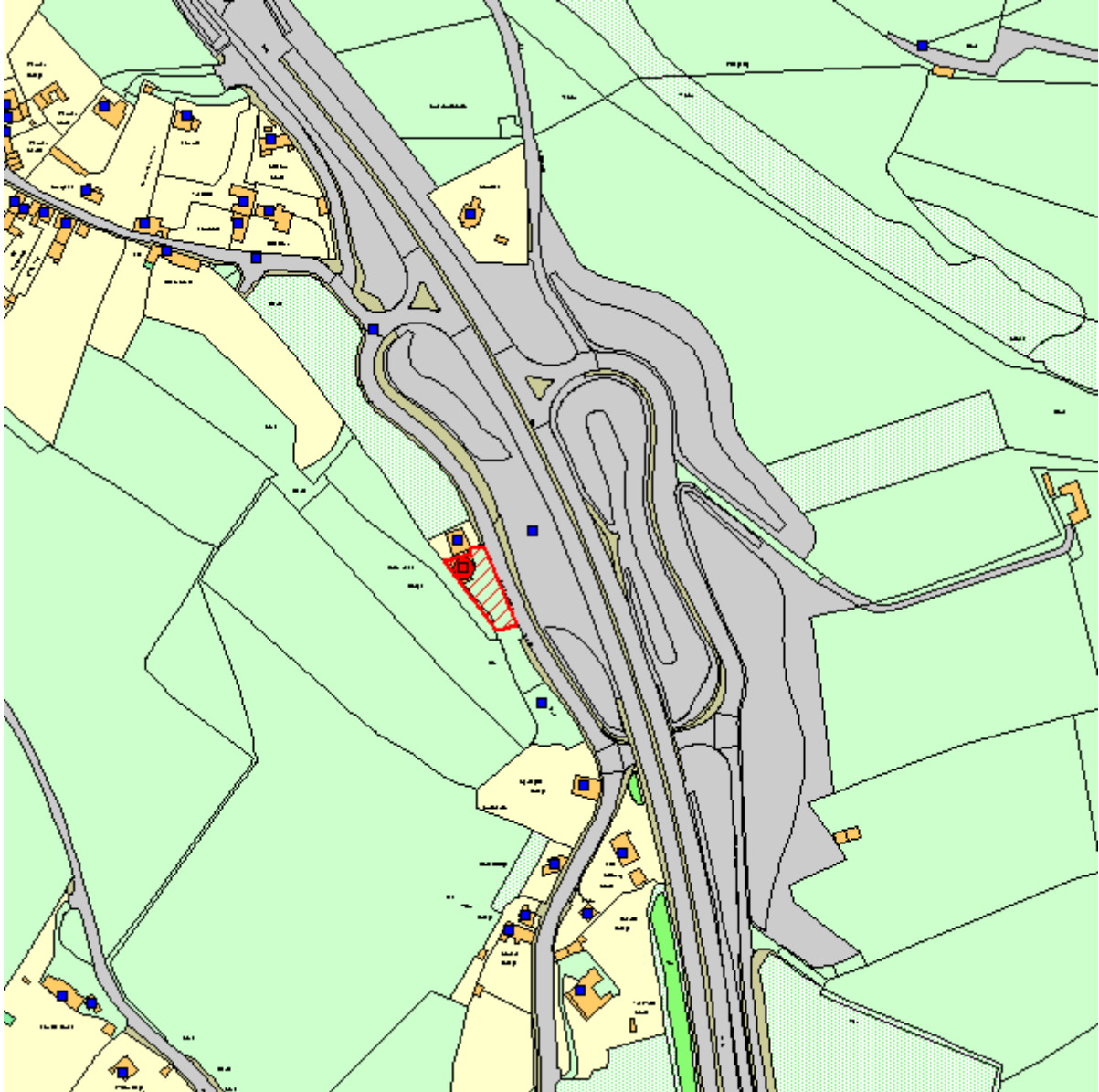
6 No development or other operations shall take place until the protective measures as stated in the approved Arboricultural Method Statement provided within the Tree Report submitted with the application are implemented. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless first agreed in writing by the local planning authority.

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

7 No development shall commence unless the local planning authority has been given two weeks' prior written notice 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.

Item No: 06
Application No: 12/02203/FUL
Site Location: Automate Bath Limited, Gloucester Road, Swainswick, Bath



Ward: Bathavon North **Parish:** Swainswick **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Gabriel Batt Councillor Geoff Ward

Application Type: Full Application

Proposal: Erection of a single dwelling, including domestic garage and front boundary wall for the adjacent dwelling (Greenacres) and alteration of existing vehicular access following demolition of existing buildings.

Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,

Applicant: Mr A Hudson

Expiry Date:	6th August 2012
Case Officer:	Andrew Strange

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The Chair has referred the application to the Committee after considering the Parish Council's support for the proposals and the Bath Preservation Trust's objection to the height of the proposals and notes that it is a complicated application with many different views.

DESCRIPTION OF SITE AND APPLICATION:

The site to which this application relates is currently vacant, but has been used in the past as a commercial garage/for car sales (an aerial photo has been submitted to illustrate the site's previous use). The site forms part of a larger area that has been used for such purposes, with the other part of the site being within the applicant's ownership and to the south of this site. The applicant states that the lower part of the site "has use rights for the stationing and storage of vehicles associated with the commercial garage". The two parcels of land are situated either side of an access route to the fields to the south and house to the north west that is in separate ownership. The main A46 is situated in an elevated position to the east of the site.

The applicant states that the area of land within their ownership to the south of the access would be used to provide a ground source heat pump and for rainwater harvesting, although the "technical details have yet to be commissioned". The applicant has not however included this area within the planning application site, but has stated that it would be used as "informal amenity space associated with the proposed dwelling, such as an orchard or paddock" and (separately) that the area would be planted up as a wildlife area.

The site is adjacent to an existing bungalow to the north that incorporates accommodation within the first floor roof space. The bungalow is rendered with a concrete tile roof. The site's boundary to the road is open and the boundary to the rear is formed by a retaining blockwork wall that forms a means of enclosure to the west boundary. There is a laurel hedge to the rear (west) of the site that has been planted on land outside the site and at a lower level. There is a horse chestnut tree on the site's north boundary at the rear of the existing building.

The site itself slopes down to the south. It is occupied by a single storey "service building" of painted block and render construction. The existing building has a floor area of about 95m² and volume of about 500 m³. It is up to about 5m high at its highest point.

The proposal is to develop a new, detached, two storey house with conservatory to the south with a double garage attached to the side elevation of the bungalow to the north. The design and access statement states that the new garage would be "for use by the existing dwelling". The proposed new house would have a floor area of about 92m² and a volume of about 540m³. The garage would have a floor area of about 42m² and a volume of about 160m³. The combined volume of the new buildings would therefore be about 700m³.

The proposed new house and garage would therefore have a volume that is about 40% larger than the volume of the existing building on the site.

The proposals have been the subject of some minor changes since their original submission to address the Highways Officer's original comments.

The application site is within the green belt and the AONB.

The proposals have been the subject of pre-application discussions with officers.

Relevant Planning History:

Previous applications to redevelop this site have been refused planning permission under the following references:

03/02916/FUL - Conversion of existing building into dormer bungalow

02/01091/FUL - Replace existing garage with detached dormer bungalow.

00/02612/OUT - Demolition of existing garage building and erection of two storey cottage

00/01468/OUT - Demolition of commercial garage and redevelopment of two cottages with garaging

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The Parish Council supports the application subject to:

the Bath stone referred to is a description of the K-rend colour. Quality is all important here as the cited example is a very poor one. The lintels, cills and quoins etc are reconstructed stone;

natural stone should be used;

natural slate should be used without any PV panels;

the Design Statement says that there is off-street parking but also that the double garage is provided for use by the existing dwelling and there will therefore be inadequate parking for the proposed new house;

there is not easy access to local amenities and a bus route; and

concerns about the future use of the garden area which should always be retained with the property as a garden.

The Highways Officer states that the amended plans are acceptable.

One local resident objected on the basis that the applicant does not own the access that serves the adjacent property and that was shown as being within the applicant's ownership in the original plans. They also maintain the some of the photos in the Design and Access Statement are misleading.

OTHER REPRESENTATIONS / THIRD PARTIES

Bath Preservation Trust does not object in principle to a residential building on this site, but has some concerns about the height of the proposed building that would be visually detrimental to the character and views from the surrounding landscape. A lower, 1.5 storey building that mirrors the existing dwelling would be more appropriate. The current

proposal would compromise the openness and setting of the green belt and AONB and would be contrary to development plan policies and the NPPF.

Wessex Water notes that a public sewer crosses the site.

PLANNING ISSUES:

The key issues are:

whether the proposals harm the openness of the green belt;

if they do, whether there are any very special circumstances that outweigh any harm to the green belt;

whether there are special circumstances to justify a new dwelling on this site in the countryside;

the impact of the proposals on the landscape of the Cotswolds AONB;

the impact of the proposals on highway safety and the amenity of the neighbouring property; and

whether the proposed removal of the existing car sales use on land outside the application site could be secured by planning condition or legal agreement?

POLICIES/LEGISLATION

The following 'saved' policies in the Bath and North East Somerset Local Plan (including Minerals and Waste Policies) are relevant to this application:

D.2 - General design and public realm considerations

D.4 - Townscape considerations

GB.1 - Control of development in the Green Belt

GB.2 - Visual amenities of the Green Belt

HG.15 - Extensions in the Green Belt

NE.2 - AONB

NE.4 - Trees

ES.12 - Noise

ES.15 - Contaminated land

T.24 - Transport

T.26 - Parking

The application has been advertised as a departure from the development plan.

The Existing Dwellings in the Green Belt SPD is relevant.

The National Planning Policy Framework (NPPF) is also of relevance to the determination of this application. In particular, it advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)

OFFICER ASSESSMENT

The application site extends only to the land between the existing dwelling known as Greenacres to the access that serves the land to the west that is in separate ownership. The separate area of land within the applicant's ownership that is to the south of the

existing access that serves the land to the west is outside the current planning application site.

The applicant has suggested that the extinguishment of the existing use rights for the land that is outside the application site but within the applicant's ownership and to the south of the access could be dealt with by way of planning conditions. However, the extinguishment of existing use rights for land outside the application site would not be possible using planning conditions and would require an s106 agreement.

Furthermore, although the applicant has indicated that works are proposed to the land outside their ownership, this area is not included within the application site's red line and a revised application would be required to properly assess the impact of these works. The application documents appear to indicate that the applicant's intention is that the land to the south that is edged blue and outside their ownership would be used in a manner that is ancillary to the proposed new dwelling, although the site is not within this application site.

The site is in the countryside where new dwellings will not be permitted outside the scope of policies HG.4, 6 and 9 unless they are essential for the agricultural or forestry workers. The occupancy of the proposed dwelling is not intended to be restricted to such workers and the proposal would therefore be contrary to saved Local Plan policy HG.10.

Guidance in the NPPF confirms that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances (examples of which are given in the NPPF). Local Plan policy HG.10 does not conflict with this guidance and therefore carries significant weight in the determination of this application.

In this instance, the applicant maintains that the redevelopment of the site with a new dwelling would result in "visual and wider environmental benefits through replacing outmoded and unattractive buildings with higher quality architecture within a new landscaped context" and would result in the removal of an existing non-conforming use. However, the proposed replacement dwelling and new garage are substantial and, in this case, the proposals are not special and would not justify the proposed new house in this location, or the setting aside of Local Plan policy HG.10.

Local Plan policy GB.1 states that permission will not be given, except in very special circumstances, for development other than for the construction of new buildings in a limited number of categories. The development of new dwellings is not an appropriate form of development in the green belt outside the scope of policy HG.6 and this proposal is therefore, under the terms of policy GB.1, inappropriate development that is by definition harmful to the green belt.

The NPPF confirms that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. It advises that local planning authorities should regard the construction of new buildings in the green belt as inappropriate except in a number of specific circumstances that include:

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The advice in the NPPF is therefore more lenient than Local Plan policy GB.1 in that it states that the development of new buildings is appropriate where it results in the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the green belt and the purpose of including land within it.

However, the current proposals would substantially increase the volume of buildings on the site and this and the proposed siting of the new dwelling to the south of the existing buildings and the associated means of enclosure would harm the openness of the green belt in this location. Although the proposals would result in the cessation of the existing car sales use on part on the application site, the proposed dwelling would have a greater impact on the openness of the area than the current building and use of the site. The proposed new dwelling and garage would therefore be inappropriate development in the green belt when assessed against the guidance in the NPPF.

The applicant maintains that the proposals are “appropriate” development in the green belt and that it is not necessary to demonstrate “very special circumstances” to justify why they should be allowed. However, the proposals are, because of their impact on the openness of the green belt, inappropriate development and it is therefore necessary to demonstrate “very special circumstances”. Guidance in the NPPF states that such circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Although the removal of the existing building and use from the site would bring some benefits, in this case, these would not be so great as to outweigh the harm to the openness of the green belt arising from the proposals. The proposals do not therefore represent “very special circumstances” that would justify the setting aside of green belt policies.

The proposed new garage would be developed as an extension to the existing dwelling known as Greenacres. Although, on its own, it would be considered in the context of Local Plan policy HG.15, the Existing Dwellings in the Green Belt SPD and guidance in the NPPF that allows for the development of extensions that are not disproportionate to the original dwelling, it is proposed as part of a wider development and should not be considered in isolation.

The applicant’s agent maintains that the lawful use of the site is as a commercial garage that includes vehicle sales and repairs. The applicant’s agent states that the main use of the site was for vehicle sales with the workshop being ancillary to the vehicle sales. The last use of the site was therefore “sui generis”. Local Plan policies that seek to restrict the loss of non-office business uses refer specifically to uses within classes B1 (c), B2 and B8. The last use of the site is outside those use classes and the policies that seek to protect such uses do not apply to the current proposals. There are no other Local Plan policies and there is no guidance in the NPPF that seeks to protect existing “sui generis” uses such as this car sales site. The proposals would not therefore be contrary to such policies.

Other materials considerations include the design of the proposed new dwelling, its impact on the amenity of existing occupiers and the amenity for future occupiers and impact on the landscape of the AONB.

The proposed design and appearance of the dwelling responds to its context. The proposed dwelling will be of rendered walls with reconstituted stone detailing under a natural slate and PV slate clad roof. The proposed garage would be developed using materials to match the dwelling to which it would be attached, which is acceptable. This combination of materials is appropriate to the site's context.

The proposed dwelling would not cause significant harm to the amenity of existing or future occupiers. In particular, the proposals address the impact of road traffic noise on the living environment of future occupiers of the site. The proposed dwelling has been designed to mitigate the impact of road traffic noise and conditions could be used to ensure that it is developed to provide a satisfactory internal environment for future occupiers. A modest, private, external amenity area is proposed to the west of the dwelling that will be sufficient to provide an appropriate amenity for future occupiers.

The proposals would not adversely affect the natural beauty of the AONB in the context of the site's current lawful use.

The proposals would therefore accord with Local Plan policies D.2, D.4, ES.12 and NE.2.

There is an existing horse chestnut tree adjacent to the site's west boundary, but it does not make a significant contribution to the amenity of the area and development in proximity to it would not be contrary to Local Plan policy NE.4.

The proposals incorporate a suitable means of access and parking to serve the proposed and existing dwelling and would accord with Local Plan policies T.24 and T.26.

Finally, the proposals do not include any investigations about the site's past use and potential contamination. However, conditions could be attached to a permission to address this matter and the requirements of Local Plan policy ES.15.

CONCLUSION

It is recommended that the application be refused because it is inappropriate development in the green belt and it would result in the development of a new house in an isolated location in the countryside, contrary to Local Plan policies GB.1 and HG.10.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The site is outside the built up area of Bath and the defined housing development boundary of any category R.1 and R.2 settlements and any category R.3 settlement. Its development is therefore contrary to saved policy HG.10 of the Bath and North East Somerset Local Plan.

2 The proposals would result in development that is harmful to the openness of the green belt. The proposals are therefore inappropriate development that is, by definition, harmful to the green belt and contrary to saved policy GB.1 of the Bath and North East Somerset Local Plan.

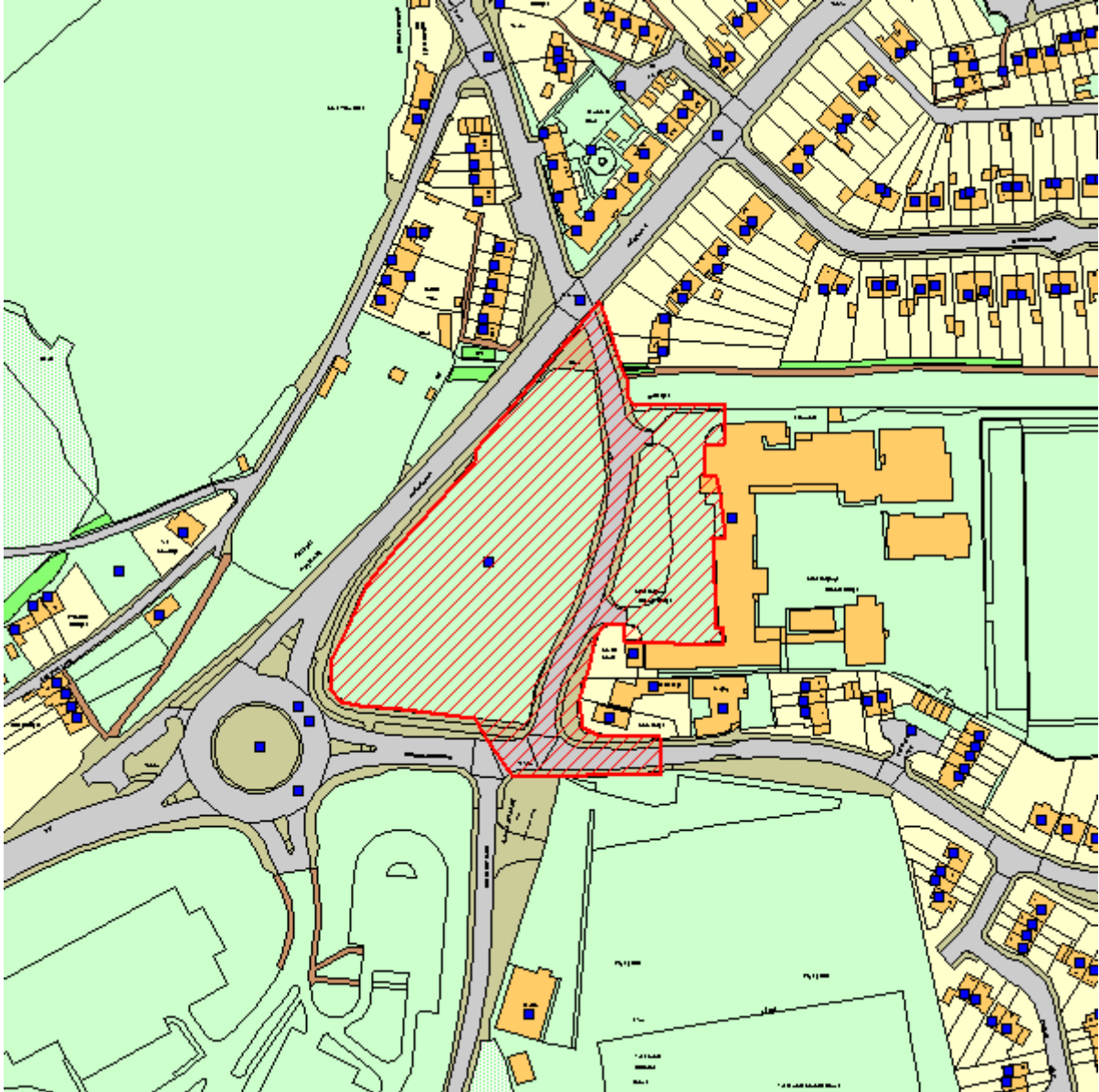
PLANS LIST:

A decision on this application has been made on the basis of the following plans and documents:

Plans List:

- D3-02 Rev A - Existing Site Plan of Yard
- D3-03 - Existing Sections
- D03-4 - Existing Block Plan
- D3-05 Rev B - Location Plan
- D3-20F - Proposed Site Plan
- D3-23 Rev A - Ground Floor Plan
- D3-24 Rev A - First Floor Plan
- D3-25A Rev A - Proposed Sections
- D3-26 Rev A - Proposed Elevations
- D3-27 Proposed Garage
- Planning Statement May 2012
- Design and Access Statement dated 18th October 2011
- External Noise Assessment dated 10th May 2012

Item No: 07
Application No: 12/02548/REG04
Site Location: St Gregory's Catholic College, Combe Hay Lane, Odd Down, Bath



Ward: Odd Down **Parish:** Combe Hay **LB Grade:** N/A
Ward Members: Councillor S P Hedges Councillor N J Roberts
Application Type: Regulation 4 Application
Proposal: Erection of a sixth form building linked to St Gregory's Catholic College with associated highway works and landscaping at Combe Hay Lane.
Constraints: Agric Land Class 1,2,3a, Scheduled Ancient Monument SAM, Forest of Avon, Greenbelt, Hotspring Protection, Listed Building, Sites of Nature Conservation Imp (SN), World Heritage Site,
Applicant: Bath And North East Somerset Council

Expiry Date:	27th September 2012
Case Officer:	Sarah James

REPORT PROCEDURE

There is an objection from the Parish Council and the Chair has decided that the decision should be considered at committee as it represents an education building in a prominent location.

DESCRIPTION OF SITE AND APPLICATION:

The proposed site for the sixth form building is a roughly triangular shaped area of land of approximately 0.8 hectares. The application site is 1.17 hectares in extent as it takes in part of Combe Hay Lane and the frontage of the existing College campus. The application site is located within the Bristol/Bath Green Belt. The existing lawful use of the site is agricultural.

There is residential development to the north, east and south. The application site is currently surrounded on all three sides by roads, the A367 Wellsway, Combe Hay Lane and Sulis Manor Road. The Odd Down Park and Ride site is located to the south of the proposed development site.

Most of the application site is surrounded by a dry stone wall. There is a dropped kerb and post and wire fence at the northern end of Combe Hay Lane. There are mature trees in the northern part of this area and a Norway Maple on the apex of the triangle but outside the site. The vegetation in the central and southern part of the extension site is mainly scrub and less mature trees. There is a row of mature ash trees on the boundary of Combe Hay Lane opposite the College. There is a fall across the application site of approximately 2.5m from east to west.

The site is currently separated from the existing College campus by Combe Hay Lane. The frontage to the existing College is largely occupied by parking areas with a one way system, gated entrance and exit points together with some grassed areas containing mature or semi mature ornamental trees. The existing College campus is roughly rectangular and orientated west/east. The College buildings are located on the western part of the site and the playing pitches to the east.

The proposal is for a sixth form building comprising 1,620sq.m. The proposed development would be in two phases - Phase 1 being the teaching areas, offices and learning resource centre; and the Phase 2 being 606sq.m of chaplaincy and a performing arts space with teaching space and 250 seats. The phase 2 works are subject to the school securing additional funding, and the scheme has been designed such that phase 1 can be implemented independently.

The Phase 1 accommodation would provide 6 classrooms, two laboratories, a learning resource centre and admin spaces. Such spaces will form the joint 6th form centre for St Gregory's and St Mark's.

The Phase 2 works for the performing arts space would provide teaching and performance space and would also be available for community use during the evenings, weekends and during school holidays, as an extension of the current use of the school for community activities.

The new 6th Form Centre would accommodate an additional 250 students and 8 staff, over and above the existing 820 pupils and 87 staff at the school. The 6th Form Centre would serve as continued educational facilities for St Gregory's pupils, but also pupils from St Mark's School, in line with a partnership between the two schools to provide 6th form education.

Phase 1 of the building would be constructed using prefabricated strawbale panels MODCELL whose external appearance is lime render. The lime render material and colour would match the limestone reclaimed from the site. Windows would be composite anodised aluminum externally and timber framed internally. On the eastern elevation natural ventilation louvres are incorporated into the facade facing the existing school and these are intended to be coloured using a green tone range to tie in with the existing dark green used on the front of St. Gregory's. Small punctured windows are positioned on the fin walls of this facade with deep reveals within the Modcell construction being around 480mm thick. The windows within the elevations would have coloured glazing and matching coloured reveals to add colour and depth to the walls.

The Materials proposed for phase 2 would be Bath Stone and lime render externally to match with phase 1.

The scheme proposes an alteration to the highway of Combe Hay Lane to address concerns and issues arising out of coach drop-offs and pick-ups, which have caused congestion on the highway. This would be achieved through the creation of a loop access road between the 6th form building and Combe Hay Lane to accommodate parking for 4 coaches, together with a new car park for 14 cars (including 2 disabled spaces) and also motorcycle parking. A second loop road utilising the car parking area fronting the existing school building would also be used to serve 50 car parking spaces (including 2 disabled spaces and allow for up to 6 coaches to park and wait for dropping off and picking up students. Cycle parking would be provided in covered shelters to the north of the new building. All access for cars, motorcycles and coaches would be restricted to via Sulis Manor Road, and Combe Hay Lane would operate as a two-way lane, which would require the revocation of an existing Traffic Regulation Order (TRO) and the making of a new TRO.

Parking for the school is currently available for 48 cars for staff and visitors, together with 1 disabled space and motorcycle parking. The proposal would make provision on site for 60 parking spaces, 8 motorcycle spaces, 2 disabled spaces, 24 cycle spaces and 4 coach spaces.

The following documents have been submitted with this application:-

Planning Supporting Statement, Design and Access Statement, Aboricultural Assessment, Archaeological Evaluation, Archaeological Appraisal, Badger Survey 2010 and Updated Badger Survey, March 2012, Bat Detector Transect Activity Survey, Summer 2010, Bat Tree Assessment, March 2012, Desk Study Geotechnical and Contaminated Land, Drainage Statement, Ecological Phase 1 Habitat Survey, August 2009 & March 2010, Flood Risk Assessment, Ground Investigation and Geo environmental Interpretative

Report, Heritage Impact Assessment, June 2010, Lighting Assessment, Ornithological Survey, Photographs / photomontages, Reptile Survey, Sustainable Construction Checklist.

RELEVANT PLANNING HISTORY:

10/01109/OUT - Outline application for the erection of a sixth form building linked to St Gregory's College and associated works Application Withdrawn

11/00468/OUT - Outline application for the erection of a sixth form building linked to St Gregory's Catholic College and associated works (Resubmission) - approved with a Section 106 agreement issued June 2012

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PLANNING POLICY: Comments received 5th July 2012.

No objection in principle to development of this site for the purposes as applied for. Notwithstanding that the development would be inappropriate within the Green Belt and very special circumstances must be demonstrated, this has been demonstrated in connection with an earlier proposal for a similar scheme. The applicant has relied heavily upon that previous justification but has reviewed the justification in light of the current scheme and this scaled down proposal demonstrates that special circumstances apply in this case.

HIGHWAYS: Comments received 16th July 2012.

It is stated that around 400 students are transported by bus each day. Taxis are also used to transport students to and from the school. There is also inter-school travel, organised by each school, and this means some students will travel to and from St Gregory's from other schools to attend specialist lessons. Pupils come from a wide catchment area, including the B&NES area, North Wilts, NorthSomerset, Shepton Mallet and east Bristol, to attend St Gregory's for faith based education.

The transport statement (TS) would seem to suggest there are currently 9 coach operating services. Combe Hay Lane can currently accommodate up to 4 coaches stacked up along its length and the TS states that for the morning drop-off they are stationary for less than 10 minutes. For the afternoon pick-up, there is a longer wait, and coaches are then also required to park up in the existing car park fronting the school, in addition to on Combe Hay Lane. It is understood that the management of coaches in both the morning and afternoon is carried out by school staff. The proposal indicates provision for 10 coaches to be stacked up within the school site, to alleviate any need for parking on Combe Hay Lane itself. The parking of coaches would still need to be managed by School staff to ensure its effective operation, and this should be included within an Operational Statement, but also within the School Travel Plan. The travel data available for the school indicates that the additional number of students could generate a need for up to two additional coaches, which could not be accommodated within the school site. It would be helpful for further information to understand how additional students can be accommodated.

The current level of parking on site is stated as 48 which are jointly used by staff and visitors, with a single separate disabled space. The ratio of parking to staff is 1:8. All

existing school car parking areas are enclosed by gates, such that the areas are not accessible at all times. The school also has the use of 20 spaces at the football club car park, thereby giving a total of 68 spaces available.

The Planning Statement states that the school has been given an option of 68 spaces in the Odd Down Park & Ride site and have also been offered additional parking at the Football Club, in addition to the 20 they currently have use of. These options are being considered by the School.

It is understood that the School has asked parents to use the football club car park for dropping off and picking up students, but there are no restrictions on Combe Hay Lane to prevent parents from using the lane for this purpose. This would still be the case with the proposed arrangements, which would maintain Combe Hay Lane as public highway, and therefore it is important that the school manages their parking needs for parents to prevent Combe Hay Lane being used, as opposed to utilising the dedicated parking areas off-site. Such details should be included within the School Travel Plan.

Having regard to the increase in student numbers, I consider that there would be an increase in trips compared to that previously approved, although parking and transportation needs are likely to be met within the site, and through parking areas secured off-site, together with the contracted coaches. Further details of the coach numbers required to accommodate the increase in students, and details of off-site parking will be required as a condition of any approval.

The proposed alterations to Combe Hay Lane, (shown on Drawing No.0395-003 Rev H), would involve creating a narrowing on Combe Hay Lane and restricting southbound traffic to just pedestrians and cyclists. This will effectively leave the northern section of Combe Hay Lane to serve the existing residential properties. A new turning head would be provided to allow for servicing vehicles, and a turning head would also be formed on the southern section of the lane, at the end of the section of road serving as access to the school.

A further build-out is also proposed on the southern section of Combe Hay Lane, at the point where a pedestrian route is being defined between the existing and proposed school buildings. It is suggested that the route would be marked on the carriageway surface by a coloured surface treatment and the build-out would accommodate planters. This arrangement would require vehicles to give way, and markings have been indicated on the carriageway. The planters would be considered as an obstruction on a highway, and therefore not generally accepted. As the proposals would effectively reduce the need for access on Combe Hay Lane to just school traffic, where the school staff already manage coaches at drop-off and pick-up times, there seems to be no need to have a narrowing on the southern length of Combe Hay Lane in the vicinity of the pedestrian route, and I consider a coloured surface material on the carriageway to be sufficient to denote a difference in the use of the area to a shared use. This will also avoid the need for road markings to denote junctions and shuttle working, which gives the appearance of a more heavily trafficked route. Potential conflicts with coaches and pedestrians, where coaches exit the eastern car park should be managed by the arrangements for monitoring by staff. The footway on Combe Hay Lane should continue across the southern access to give priority to pedestrians and not vehicles.

With regard to the northern section of Combe Hay Lane, I would not be happy with markings for cycle access which guide cyclists into the oncoming traffic lane, and consider

that access can be restricted for motorised traffic through the use of bollards, at surface level, whereby cyclists can still access the lane through the bollards. This will avoid the need for unnecessary highway works, street furniture and road markings.

There are some small sections of land for the proposed new turning heads that are currently within the control of the School, and these areas will need to be dedicated as public highway. The works to provide the route will need to be the subject of an agreement to ensure the design and construction conforms to adoptable standards.

To aid pedestrian and cycle movements between the site and the off-site parking area, refuge islands are proposed on Sulis Manor Road, and this work will need to be the subject of a Service Level Agreement to ensure the construction details for the works are approved, and works are constructed in accordance with adoptable standards.

Swept path analysis has been submitted, within the Transport Statement, to indicate the movements of refuse vehicles and coaches within the school site, and on the public highway, and this demonstrates that all appropriate movements for these vehicles can be adequately achieved.

Having regard to the above, and subject to appropriate amendments to the drawing for the highway works, and the submission of additional details for the coach numbers or how the additional students can be accommodated through the existing coach provision no highway objection is raised subject to the prior completion of a Service Level Agreement to secure the highway works and the mechanism for funding the TROs. The highway related works would comprise the construction and dedication of two turning heads on Combe Hay Lane, the construction of a section of footway on the western side of Combe Hay Lane (in the vicinity of the junction with Wellsway), the revocation and making of appropriate Traffic Regulation Orders, the provision of the pedestrian refuge islands on Sulis Manor Road, appropriate road markings and signage, and the provision of off-site parking at the Odd Down Footbath Club of Park & Ride site.

Further comments made 10th September 2012 An amended plan has been provided refs. 0395-003 Rev I and that is acceptable. I have previously requested that the highway works are subject to a Service Level Agreement, but as the Development & Major Projects Team and the Planning & Transport Development now fall under the same Service, it has been agreed that the works can be satisfactorily secured through planning conditions

LAND DRAINAGE comments received 29th June 2012.

No objections subject to conditions

TREE OFFICER: Comments received 23rd July 2012.

Additional information and clarification is sought. Additional comments made 6th August 2012 require amendments to protect trees. Further comments made 10th September 2012 advise that the tree survey does not include the relevant tree numbers or the trunk positions. I have noted the addition of cellweb and no dig construction on the access splay but I have no confidence that this is possible since the levels still need to link into

the existing road levels and this has not been demonstrated. I consider that the realistic retention of the northern most Ash tree has been compromised.

URBAN DESIGN OFFICER: Comments received 12th July 2012.

This assessment related to phase 1 and 2. However, as phase 1 may be a medium/long term outcome, it must be judged alone along with the temporary landscape proposals.

Building Design

The height of the building is similar to that previously approved. The development is rectilinear with a constant parapet height and largely rendered walls to the principal public views. The articulation is contained to the plan with angled wall panels to the Wells Road frontage. This runs the risk of appearing overly utilitarian and less sculptural from the Wellsway viewpoints. The success of the building as a gateway landmark will therefore rely heavily on landscape quality and the interest built into the rectangular façade panels.

The frontage to the school is glazed and animated and acceptable. The Wellsway frontage is dressed with recessed coloured glass windows. This will soften the solid appearance of the panels to some degree and add to its distinctiveness. The use of lime render for phase 1 does not include Bath stone elements. These are included on the feature corner of phase 2 to increase the local distinctiveness of the building. This is an unfortunate omission from the initial phase as phase 2 may not be brought forward. The possibility of designing texture or art into the rendered panels may be a consideration. Consideration should be given to the use of light at night to animate the building.

At present it is not demonstrated that the render and aluminium windows are of sufficient quality.

Public Realm

The coach circulation places coach doors to the perimeter footway sides of the space. The car parking arrangements maintain some inefficiency resulting in poor connections for bus passengers from the existing school. There is scope for further significant improvement to this area, but its overall functionality is improved as part of the proposed development.

LANDSCAPE OFFICER : comments received 7th August 2012.

Retention and protection of the existing trees on this site is the primary landscape concern. Subject to the Tree Officer's comments being resolved, the information as shown on Drg No's 6218 D 7101(C)/7201(A) and 7301 is acceptable. Given that a detailed planting plan has already been submitted a specific condition to cover landscaping is not required unless revisions to that plan are made.

HERITAGE OFFICER comments made 16th July 2012.

The proposal does not impact on any Conservation Area or Listed Building, but does the site includes part of the Wansdyke Scheduled Ancient Monument and advice from English Heritage should be sought.

LAND CONTAMINATION OFFICER: Comments received 10th July 2012.

The ground investigation report provides an assessment with respect to the risks to human health and the environment. The investigation found an area of the site to have

been historically quarried and subsequently infilled. A number of elevated concentrations of contaminants (lead and benzo(a)pyrene) were found predominantly in the made ground. A localised hotspot of asbestos was also identified. The site specific risk assessment discounted the risks with respect to BaP, however risks relating to lead remained as well as the asbestos. The interpretative report put forward a number of remedial options for the development. The report also recommended additional trial pitting to be completed to establish the extent of the quarry infill so the extent of the required remedial measures could be determined. Taking account of the reports submitted appropriate conditions are suggested.

ENVIRONMENT AGENCY: Comments received 19th July 2012.

No objection subject to conditions

ECOLOGIST: Comments received 1st August 2012.

No Objection subject to securing all necessary ecological measures within the scheme, in particular for future habitat management and monitoring.

This is subject to resolution of the Arboricultural issues raised by the senior Arboricultural officer.

NATURAL ENGLAND: Comments received 9th July 2012.

Standing advice relating to the need to consider protected species present on the site is provided.

SPORT ENGLAND comments made 16th July 2012.

No comment

ENGLISH HERITAGE comments made 24th July 2012.

The application should be determined in line with the Conservation Officers advice.

ARCHAEOLOGICAL OFFICER: comments received 12th July 2012.

The proposed site of the new sixth form building was subject to archaeological evaluation (Cotswold Archaeology, December 2009). Three trial trenches were excavated revealing evidence of extensive quarrying across the site. Given that the age of the quarrying could not be determined, and that pockets of archaeology could still survive on the site (including Roman burials), a watching brief condition should be attached to any planning consent.

OTHER REPRESENTATIONS / THIRD PARTIES

South Stoke Parish Council The proposal is for new development in a very prominent location in the Green Belt. By definition such development is inappropriate unless there are very special circumstances that can be proved to exist to justify it. It is our opinion that the need for more six form places in Bath has not been proven. We remain opposed in

principle to the construction of such a major, and seemingly unnecessary building, in the Green Belt, Adjacent to the Cotswold AONB and at a prominent entrance to our World Heritage City.

Englishcombe Parish Council No comments made.

Wellow Hay Parish Council comment on the requirement to consider traffic management including parking restrictions and encourage the retention of trees and provision of new shrubs and trees

Coombe Hay Parish Council No comments made.

Bath Preservation Trust Comment that it is our view that the proposed development on this site would have a considerable visual impact on the landscape, topographical, visual and historical setting of the City of Bath World Heritage Site. The green landscape should retain prominence and any building should respect and reflect the values of the World Heritage Site. Whilst we remain concerned about the rectangular form, fenestration and external finishes, we welcome an efficient building with a low carbon footprint. We strongly recommend that external finishes are submitted for approval rather than agreed by Condition of any permission granted.

2 letters of comment have been received suggesting parking and drop off restrictions

1 letter of objection has been received on the basis that it will cause traffic problems, look out of place on the junction and adversely impact upon trees and wildlife.

70 Letters of support have been received with the following comments made:-

The facility is needed in Bath as students benefit from the pastoral care of the school and it will provide enhanced education. The building is sympathetic to the restrictions of the site and location and has taken account of trees wildlife and traffic and is sustainable design. The views of the community have been listened to in developing the building.

POLICIES/LEGISLATION

ADOPTED LOCAL PLAN

"Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007" was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

Policy GB.1 Control of Development in the Green Belt

Policy CF.1 Protection of land and buildings used for community facilities

Policy CF.2 - Provision of New or Replacement Community Facilities

Policy BH1 World Heritage Site -

Policy BH11 Scheduled Ancient Monuments.

Policy BH12 Important archaeological remains

Policy BH22 - External Lighting

Policy D2 Design Criteria

Policy D.4 Townscape considerations

Policy T.3 Promotion of walking and use of public transport

Policy T.6 Cycling Strategy Cycle Parking

Policy T.24 General development control and access policy
Policy T.26 On-site parking and servicing provision
Policy ES.2 Energy Efficiency
Policy ES4 Adequacy of water supply
Policy ES5 - Foul and surface water drainage
Policy ES15 Contaminated Land
Policy IMP1 - Planning Obligations
Policy NE1 Landscape character
Policy NE5 Forest of Avon
Policy NE10 Nationally important species and habitats
Policy NE11 - Locally important species and habitats
Policy ET7 Agricultural land

Relevant Supplementary Planning Document includes the Bath City-Wide Character Appraisal and Forest of Avon Development Guidance which supplements policy NE.5

NATIONAL PLANNING POLICY FRAMEWORK

National Planning Policy Framework (March 2012) can be awarded significant weight however at present this proposes little change to the policies of the Local Plan that are relevant to this application.

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

CP2: Sustainable construction
CP6 Environmental Quality
DW1 District-wide spatial Strategy
B1 Bath Spatial Strategy

Adopted Supplementary Planning Document - Planning Obligations

OFFICER ASSESSMENT

THE PRINCIPLE OF DEVELOPMENT: The main policy constraint to the development of the site for educational purposes is the designation of the site as Green Belt. The proposed scheme lies entirely within the Green Belt and is therefore contrary to Policy GB1 in the adopted Local Plan since it would represent inappropriate development which requires that very special circumstances be demonstrated to clearly outweigh the harm caused by reason of inappropriateness before permission can be given. This is also a requirement within the NPPF paragraphs 87 and 88.

GREEN BELT

As per previous planning approaches adopted when Planning policy Guidance 2 was in force it is appropriate that as a matter of logic, the decision-taker should follow a sequential approach to deciding whether planning permission can be granted in this green belt location. With this in mind a number of questions need to be considered;

1. Whether the proposal amounts to inappropriate development in the Green Belt,
2. Whether there would be any impact on the openness of the Green Belt and the effect of the proposal on the character and appearance of the area

3. Any benefits of the proposal and, if it amounts to inappropriate development in the Green Belt,
4. Whether these benefits would clearly outweigh any harm to the Green Belt and any other harm, so as to amount to very special circumstances.

WHETHER INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT:

Paragraph 89 of the NPPF identifies which development is appropriate in the Green Belt. The application development does not fall within a prescribed category and is therefore by definition inappropriate.

IMPACT ON OPENESS OF GREEN BELT and CHARACTER AND APPEARANCE

Harm in this context relates to harm to the purposes of including land in the Green Belt as set out in paragraph 80 of the NPPF. In this case the location and siting of the sports hall is close to the main school building. It represents an isolated piece of Green Belt land and is quite separate from the wider Green Belt dissected from it by major roads into the City. The building would be seen against the context of the existing school and other urban form however it is a substantial building and would have some impact up-on the green Belt. However as a result of the proposed siting of the building and the separation of this land from the wider green Belt it is considered that the impact would be reduced.

OTHER MATERIAL FACTORS IN SUPPORT OF THE APPLICATION

The harm identified is to be balanced against the special circumstances case made by the applicant. The applicant has identified a strong benefit to provide improved and accessible faith led education to sixth form level within the Bath area. The applicant has relied heavily on a previous case made by the school to develop this site for a sixth form building which gained approval. The applicant has however also tested that previous case against the current proposal and circumstances. The applicant has investigated the feasibility of locating the sixth form on the existing campus which would necessitate the replacement of the school playing fields off-site. This is not considered a feasible option and would result in a loss of both quality and quantity of playing field provision and is likely to receive strong objection from Sport England as a consequence. The school has investigated the feasibility of locating the sixth form on the St Mark's campus or using the recreation grounds in proximity to St Marks which was concluded not a viable or desirable option from the school's operational perspective. The potential for utilising existing playing fields within walking distance of the school was explored and the school had approached Odd Down Football Club who confirmed in writing that joint use of their site was not feasible. Other potential sites within Bath were investigated but it was concluded that there are no realistic alternative sites available that would meet the school's identified requirements. On the basis of the information supplied which appears to demonstrate a robust assessment, this is accepted. Whilst there is a presumption against inappropriate development which would harm the openness of the Green Belt and the purposes of including land within it, it is considered that the applicant has satisfactorily demonstrated that very special circumstances exist to justify development in the Green Belt consistent with Policy GB.1 and the requirements of NPPF. It is clear that is not in the school's best interest to create a split site and that the proposal would not only benefit the immediate needs of the school but also have wider community benefits compliant with Policy C.2.

OFFICER ASSESSMENT OF THE VERY SPECIAL CIRCUMSTANCES CASE:

Where development is considered to be inappropriate it is the responsibility of the applicant to show why permission should be granted through the demonstration of very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this regard the demonstration of very special circumstances must not merely be unusual but very special in that they cannot be repeated elsewhere and when viewed objectively, are reasonably capable of being described as "very special". The Planning Statement accompanying the application sets out the very special circumstances the applicant considers justifies the need to develop this particular location for the proposed scheme. A very special circumstances case has been presented by the applicant that includes a set of circumstances that has led to the need for the sixth form campus on this site. Overall, it is considered that the provision of sixth form education at the school amount to significant benefits that would be realised were the scheme to go ahead. The harm that has been identified is harm by reason of inappropriateness, which is by definition harmful to the Green Belt and its impact on the openness by reason of its size and position. Against this harm needs to be set the benefits that the proposal will bring about i.e. the fact that this permission would enable the school to provide improved and sought after educational facilities. It is considered that on balance there are sufficiently special benefits that cannot be repeated elsewhere that are sufficient to outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, such as to amount to very special circumstances. The proposal therefore accords with Policy GB.1 of the Local Plan and the NPPF.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: The proposed alterations to Combe Hay Lane, would involve creating a narrowing on Combe Hay Lane and restricting southbound traffic to just pedestrians and cyclists. It is considered that these revised access arrangements are improvements to the highway arrangements of Combe Hay, which would benefit vehicular, pedestrian and cycle traffic in the vicinity of the site. Improved cycle storage facilities and shower and changing facilities are to be provided and these will also be beneficial. A new pedestrian route will be defined between the old and new buildings, using an at grade surface treatment to highlight it. Contracted coaches which currently queue up on Combe Hay Lane will be able to park within the access loop on the site and this is seen to be beneficial in terms of the effect on the highway and for the safety of pupils subject to the ongoing management of the schools traffic by its staff at peak times. Additional traffic generated by the proposals is not considered to be significant and the proposals will in highway safety terms bring forward some significant improvements that will also benefit those living within the vicinity of the site. Minor revisions to the highway layout have been agreed and highway proposals are now acceptable.

VISUAL IMPACT / DESIGN: The design of the proposed new sixth form centre is focussed on the teaching spaces required for the facility and the integration of the buildings within the school site and landscape. The building is proposed in two phases. It has been proposed and assessed as an integrated scheme combining both Phase 1 and the 2 phases. However, there is the potential that Phase 2, which has no funding, may not be brought forward. This requires consideration is given to the visual impact and design quality of phase 1 as a freestanding element.

The site is extremely sensitive, at the gateway to the World Heritage Site, in the green belt and within long views from south and west.

The proposed building is of modern design which is considered appropriate in this 20th Century context.

The building will have an approximate height of 8 metres which is consistent with the height of the former approved sixth form scheme.

The development is of a rectilinear sectioned form, with a constant parapet height.

The principal active frontage and windows are to the east, addressing the existing school. To the west and south the façade is predominantly staggered lime rendered wall panels with recessed coloured feature windows with coloured glass.

On east side, addressing the existing school, the design is considered to create an appropriate relationship with its more discreet context.

To the south and west, the building creates a new landmark. Its success is considered to rely heavily on the sculptural form, the interest built into the façade panels, the appropriateness and the quality of the façade materials and the quality of landscape.

The applicant was encouraged to consider the use of Bath stone panels and/or the introduction of interest into the prominent south west corner.

In response, phase 2 of the proposal was revised during application negotiations to introduce the proposed recessed corner and Bath stone panelling. The proposed phase 2 corner is considered appropriate, however this phase may not be delivered so it is important that Phase 1 works as a standalone element.

The Phase 1 element will present a temporary rendered and glazed south western corner and façade and does not include the interest designed into phase 2.

Whilst the proposed modern modular design and materials achieve a high level of environmental performance and may be appropriate, they are integral and fundamental to the building concept. In this prominent gateway location, and with phase 1 being the only committed element, officers considered it prudent to be assured that the materials and finishes achieved the design quality appropriate for the location and context. Samples of the façade materials were therefore requested for consideration within the scope of the core application process. Notwithstanding this request, no details have been provided at this stage and so officers have concluded, on balance, that these concerns do not override the benefits of the scheme but that suitable conditions will be required to ensure that the quality of the finish is suitable.

As a result, the height, massing and general form of development is appropriate and the detailed finish remains to be considered later.

SUSTAINABILITY : The building is considered to address sustainability positively. It is a well considered building with regard to its solar gain and heat loss, ventilation construction techniques and use of renewables.

LANDSCAPE: The building has been designed with a strong sculptural landscape design and that is considered to be a positive aspect of the scheme which will contribute toward its visual appearance.

RESIDENTIAL AMENITY: The site would operate in conjunction with the existing school and it is not considered that the additional campus building and its associated use would be harmful to residential amenity. Residents closest to the site may benefit as a consequence of the improved arrangements for access onto the site for dropping off and picking up students.

WILDLIFE: The proposed development responds appropriately to wildlife and provides positive enhancements. Thorough ecological survey and assessment together with proposals necessary for mitigation and compensation of ecological impacts have been submitted. There are protected species including bats present or foraging on the site. The proposal will not result in unacceptable ecological impacts provided all the measures set out in the ecological reports are implemented. No European Protected Species Licences are required. The use of the site by bats has been thoroughly investigated and considered, and there will be no risk of a significant effect on bats of the Bath & Bradford upon Avon SAC

arising from this development. The key recommendations of the bat survey are for retention of the copse to the north of the site, the appropriate retention of trees in line with the tree officer's advice should be sought.

TREES : The development retains to a large extent the most significant and mature trees on the site, however the proposals still lack some of the detail required to fully assess the impact on some trees and it is likely that one important tree will be lost. This is unfortunate but on balance it is considered that this would not warrant refusal of permission. The location of tree protection for the remaining trees will be conditioned.

SCHEDULED ANCIENT MONUMENT (SAM) : The proposed development lies 90m to the south of the Wansdyke Scheduled Ancient Monument . English Heritage have been consulted on this application however have made no comment. The applicant will be advised by informative to ensure that Scheduled Monument Consent would not be required on account of the development affecting the setting of the (SAM). From a planning perspective this matter has been considered and the development is considered acceptable.

LISTED BUILDINGS : Four grade II listed turnpike and boundary marker posts lie to the north-east of the proposed development area on the Foss Way (A367). Whilst they should not be directly affected by the development an informative should be placed on the decision advising the applicant of the need to protect these historic assets from any damage during construction.

CONSERVATION AREA AND WORLD HERITAGE SITE : The proposed development lies outside the Bath main Conservation Area, and immediately on the boundary of the Bath World Heritage Site (along Combe Hay Lane), and occupies a 'gateway' location on the Fosse Way into the Roman City. It is considered that the proposed development would not impact on the setting of the World Heritage Site and would preserve the setting of the Conservation Area.

FLOOD RISK : The site has minimal risks in terms of flooding and conditions can be applied to ensure that surface water is appropriately managed using sustainable features where practical.

CONCLUSION:

The proposed development is justifiable as a departure to policy taking account of the very special circumstances submitted. The scheme will bring forward highway improvements, provide a better school environment for existing and post 16 students and will provide some community benefits. The design of the building is on balance acceptable. The wildlife on the site will be provided for and landscape will be retained and enhanced. The development is not considered to give rise to any adverse harm on any designated assets that are protected by planning or other legislation. Subject to conditions the application is acceptable.

RECOMMENDATION

(A) Delegate to the Development Manager to resolve outstanding issues relating to tree impact and upon the successful resolution of this issue

(B) To refer the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and subject to the application not being called in

(C) Permit with 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 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.

3 The road works, footway works and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The highway works shall be completed prior to the occupation of the development.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

4 The access, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and

approved in writing by the Local Planning Authority. Such parking and turning areas shall be constructed and available for use prior to the occupation of the development.

Reason : In the interest of highway safety

5 Prior to the occupation of the development an updated Travel Plan shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

6 Prior to the occupation of the development details of the number of cycle spaces, together with the means of shelter, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

7 Prior to the occupation of the development details of the availability of shower and changing facilities for use by cyclists shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

8 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 car and coach parking on the site.

Reason: To ensure the safe operation of the highway.

9 Prior to the occupation of the development details of the provision for off-site parking shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure adequate parking provision can be achieved.

10 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation of the highway.

11 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:

(i) human health,

(ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

(iii) adjoining land,

(iv) groundwaters and surface waters,

(g) ecological systems,

(v) archaeological sites and ancient monuments;

(vi) 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.

12 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 prepared, and is subject to the approval in writing of 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.

13 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.

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.

14 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.

15 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 no. 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 12, 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 no. 14.

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.

16 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.

17 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological

work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

18 No development shall take place 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 drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year (30% climate change) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. 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, both on and off site.

19 All hard and soft landscaping works as shown on drawing 6218 D 7101(C)/7201(A) (or any subsequent approved revisions of that drawing) shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason : To ensure that the landscape scheme is implemented and maintained.

20 No development activity shall take place until an arboricultural method statement with revised tree protection plan identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the tree numbers and accurate positioning of the trunks of retained trees. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboriculturalist and provision of site visit records and certificates of completion. The statement shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The statement should also include no-dig construction details as stated in the arboricultural impact assessment, the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery. Development and other operations shall thereafter take place in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

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.

21 No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented as appropriate. 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.

22 The development hereby permitted shall be carried out only in accordance with the approved Ecological Method Statement comprising of the following plans Ornithological Plan dated June 2012,, Phase one Habitat Surveys Dated 2009 and 2012, Reptile Survey dated Spring 2012, Badger Survey March 2010 and Update March 2012, Bat Activity Survey Summer 2010, Bat Assessments March 2012, as approved in writing by the Local Planning Authority.

Reason : To secure adequate ecological protection during the course of development.

23 Prior to the commencement of the works subject of this consent details of the following matters (in respect of which approval is expressly reserved) shall be submitted and approved in writing by the Local Planning Authority:

- 1) A sample panel of the proposed render which shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The panels shall be of a size to be agreed in writing with the local planning authority.
- 2) Detailed sections of the windows and their reveals
- 3) Large scale window details at 1:20 and samples of the windows to show the finish
- 4) Samples of the proposed glazing
- 5) Samples of the proposed coloured finish to be applied to the window reveals.

Development shall thereafter proceed in accordance with the approved details.

Reason: To safeguard the character and appearance of the World Heritage Site and the area.

PLANS LIST:

This decision relates to drawing no's - 6218 D 0303 A6218 D 03046218 D 0305 6218 D 0306 AL(P)011 B6218 D 0101 D6218 D 0102 D 6218 D 0103 C6218 D 0111 A6218 D 01126218 D 0201 A 6218 D 0202 D 6218 D 0301 A6218 D 0302 A6218 D 0311 A6218 D 0312 A6218 D 7101 C 6218 D 7201 A6218 D 73016218 D 74016218 D 74026218 D 7403136STG/V90/031 T1 0395-003 Rev I

ADVICE NOTE:

1. The applicant is advised of the need to consult with English Heritage to ensure that scheduled monument Consent is not required for the development.

2. The applicant is advised that four grade II listed turnpike and boundary marker posts lie to the north-east of the proposed development area on the Foss Way (A367). It is the applicant's responsibility to ensure that these are not harmed as a consequence of and during the construction of the development.

3. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8.0 metres of the top of the bank of a designated 'main river'. Any impediment to flow in an 'ordinary' watercourse will also require consent under section 23 of the Land Drainage Act 1991. In the event that any new surface water discharges will be made direct to a watercourse, the sewer/pipe should terminate in a properly constructed

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.

(A) Bath and North East Somerset Local Plan (including Waste and Minerals policies) adopted 2007 Policies SC1, ET7, ES2, ES4, ES5, ES15, GB1, GB2, NE1, NE5, NE10, NE11, BH11, BH12, T24, HG10, CF1, CF2, BH1, BH11, BH12, BH22, D2, D4, IMP1, SR1A, T3, T6, T24, T26

2. The proposed development is considered acceptable in the Green Belt taking account of the very special circumstances submitted. The scheme will make highway improvements, provide a better school environment for students and will provide community benefits. The design of the building is acceptable. The wildlife on the site will be provided for and landscape will be retained and enhanced. The development is not considered to give rise to any adverse harm on any designated assets that are protected by planning or other legislation.

Item No: 08
Application No: 12/01454/FUL
Site Location: Towerhurst, Wells Road, Westfield, Radstock



Ward: Westfield **Parish:** Westfield **LB Grade:** N/A
Ward Members: Councillor R Appleyard Councillor Robin Moss
Application Type: Full Application
Proposal: Erection of 11 dwellings with garages/parking, landscaping, screening and associated works and erection of 2 detached garages for the existing dwellings.
Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant: Elan Homes Ltd
Expiry Date: 27th July 2012

Case Officer: Mike Muston

REPORT

The application is reported to Committee as it is for major development (over 10 dwellings) and at the request of Councillor Appleyard, who has concerns regarding the application, including the loss of back garden area through overdevelopment, loss of existing trees and habitat, and the access/egress of the site.

The Site

The application site comprises just under 0.5 hectare of land on the north-western side of Wells Road, within the urban area but outside the Radstock Conservation Area, which lies to the east. To the east of the rear of the site is the cul-de-sac of late 20th century houses in Highfields. To the immediate east of the front of the site, to the west and opposite are individual detached houses. To the rear of the site, there is a public footpath, beyond which the land falls away into the valley.

The Proposal

The proposal seeks to retain the 2 large detached houses on the site, set back from the road and served by a central drive between them. That drive would be widened and improved to provide access to the land behind these two houses (currently their two large rear gardens) and develop it for 8 four bedroom detached houses, a pair of 3 bedroom semi-detached houses and a 3 bedroom detached bungalow. All would be served off this access road.

The 11 units would be constructed from reconstructed Cotswold stone, with some areas of render, under smooth brown tiles.

New double garages for the two retained houses would be provided in the retained large front gardens, but set back from the access road so as not to be directly between the retained properties and Wells Road. Nearly all the trees in those front gardens (some of which are large and significant in the landscape) would be retained.

Relevant Planning History

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Westfield Parish Council

Responded that the Committee asked that the concerns of the residents and accompanying photos of the grounds be fully investigated by the BANES Planning Officers. The Committee raised concerns about the access and egress to the site which it recommends should be fully resolved before any planning approval is considered.

Highways

Notes that revised plans showing increased visibility splays overcame earlier concerns and as a result raises no objections. As a result of the increased demand to access this site, it is considered necessary to require a contribution towards measures on this existing highway in respect of safety, e.g. improving safety of access to the site for pedestrians

and cyclist. Such measures could include safety measures, crossing facilities (refuges) and/or extension of the proposed footway provision beyond the front curtilage of the site in order to connect with the existing footway to the east of the site. In this respect, a contribution of £38,500 is sought. No objections raised subject to the applicant entering into the necessary S106 Agreement with regards to the agreed contribution of £38,500 towards safety measures, and appropriate conditions.

Highways Drainage

Recommends that testing should be carried out to ensure a feasible soakaway design is possible.

Children's Services

Recommends contributions for early years provision of £9,444.76, for primary school provision of £16,841.88 and for youth provision of £2,201.10. This equates to a total contribution of £28,487.74 that should be secured through a Section 106 agreement.

Landscape

Accepts that none of the trees to be removed have ecological value but they have a value as a whole. Feels that too many of the trees to the rear are to be removed with little replacing them. As a result, considers the scheme to be unacceptable.

Arboriculture

Would like to see some of the soakaways relocated but accepts that this can be achieved by conditions. Recommends conditions if Committee are minded to approve.

Contaminated Land

Due to the sensitive nature of the development (i.e. residential) and the proximity of the site to a historical potentially contaminative use and area of infilled ground, advises that conditions are applied to any permission granted.

Archaeology

The site lies in close proximity to the Fosse Way Roman road, which forms the site's north-western boundary. The site comprises an area of high ground above the River Somer where there is the potential for early settlement or burials. Recommends a predetermination archaeological field evaluation, which in the first instance should provide a geophysical survey of the site, but may need to be followed up by trial trenching.

Environmental Protection

Draws the applicant's attention to the Council code of practice for minimising noise during construction.

Ecology

Satisfied with the reptile survey and proposals for reptile mitigation, agreement for and implementation of the remainder of which could be secured by condition. The bat survey of the trees is also satisfactory. Comments that the proposal also needs firm and realistic mitigation proposals, outline proposals for which should be incorporated onto plans prior to a consent. (Land in the front gardens of the retained properties although outside the application site is owned by the landowners and could be the subject of a condition).

4 letters of objection have been received from residents in Highfields, on the following main grounds:-

Overpowers the existing 2 detached houses

Another access onto the A367 will be dangerous

No safe pedestrian access from the site to facilities

Brownfield land should be developed first

The rear garden closest to Highfields is an old orchard and a wildlife haven

Bats have been seen foraging over the site

Object to loss of trees, in particular a mature willow

Loss of privacy

Overbearing impact and loss of light

Increased light pollution

Harm to outlook

Insufficient parking spaces provided

Noise and pollution from parking and garaging close to rear gardens

POLICIES/LEGISLATION

LOCAL PLAN

Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007.

Policies relevant to this site in the Local Plan are:

D.2	General Design and public realm considerations
D.4	Townscape considerations
HG.1	Housing Requirements
HG.4	Residential Development in Urban Areas
HG.5	Affordable Housing
HG.7	Minimum Residential Density
T.24	General development control and access policy
T.26	On-site parking and servicing provision
NE.12	Natural Features
BH.12	Archaeology

CORE STRATEGY

The Council has prepared a draft Core Strategy, which has been the subject of an Examination in Public. A letter has been received from the Planning Inspectorate (PINS), indicating that the Strategy cannot be found sound in its current form. This reduces the weight that can be attached to the Strategy. However, the following policies are relevant:-

DW1	District-wide Spatial Strategy
SV1	Somer Valley Spatial Strategy
CP6	Environmental Quality
CP9	Affordable Housing
CP10	Housing Mix

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (the Framework) was published in March 2012 and superseded much previous Government guidance. It contains a number of paragraphs that are relevant to the application and these are summarised below:-

Presumption in favour of sustainable development

The Framework introduces a presumption in favour of sustainable development. This is defined as being made up from economic, social and environmental elements. It says that, when taking decisions on applications, this presumption means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, it means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or where specific policies in this Framework indicate development should be restricted.

Core Planning Principles

Amongst the core planning principles set out in the Framework are that planning should:-
proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs

always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Economic Growth

Paragraph 19 of the Framework helps explain the importance the Government places on securing economic growth. This states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Providing Housing

The Framework places particular emphasis on the provision of an adequate quantity of housing. It says that local planning authorities should aim to boost the supply of housing and housing land. It says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

It also says that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Good Design

The Framework continues the theme from previous Government guidance that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It says that planning decisions should aim to ensure that developments:-
will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation are visually attractive as a result of good architecture and appropriate landscaping

The Framework goes on to say that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

OFFICER ASSESSMENT

The main issues in this case are considered to be:-

The principle of residential development on the site

Highways

Character and appearance

Living conditions of nearby residents

Ecology

Archaeology

The Principle of Residential Development

The application site is within the Norton Radstock urban area in a sustainable location close to facilities where residential development is acceptable in principle (Policy HG.4 of the Local Plan). The site is slightly too small for affordable housing to be required under existing Local Plan policy (Policy HG.5). However, despite this, the development of a site for 11 dwellings in an urban area should be seen as a significant benefit of the scheme. The National Planning Policy Framework (the Framework) places great emphasis on the need to provide land for housing. In particular, it notes that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This Council cannot currently demonstrate a five-year supply of housing land. Granting permission for this site within an urban area would therefore be a good way of providing additional housing whilst helping to relieve the pressure on sites outside defined development limits elsewhere.

Policy HG.7 of the Local Plan says that any residential development should achieve the maximum possible density and that a density in excess of 30 dwellings per hectare will be expected. In this case, the proposed density is approximately 22 dwellings per hectare. However, it is considered that this lower density is acceptable in this case, in order to prevent unacceptable impacts on neighbouring residents in Highfields.

The site is currently garden land and so cannot be considered to be brownfield land. However, this does not mean that the development of such land is unacceptable, but that this cannot be considered as a factor weighing in favour of development. In this case, it is considered that the need for additional housing land outweighs the loss of the garden land. The principle of development of this site as proposed is considered acceptable.

Highways

Revised plans have been submitted showing increased visibility splays incorporating land within the control of the applicants and highway land. These show acceptable visibility splays of 43 metres by 2.4 metres that can be controlled by condition. Because the access is on the outside of a gentle bend, visibility is actually greater than this, but this additional visibility cannot be guaranteed as it could be reduced by other landowners planting hedges or trees. However, the visibility splays shown are in accordance with guidance contained in Manual for Streets, and your highways officers raise no objections on this basis.

The revised plans now show a new footway along the whole frontage of the site. In addition, the applicants have agreed to the highways officer's requirement for a contribution towards measures on this existing highway in respect of safety. Such measures could include safety measures, crossing facilities (refuges) and/or extension of the proposed footway provision beyond the front curtilage of the site in order to connect with the existing footway to the east of the site. In this respect, a contribution of £38,500 has been agreed as appropriate.

Character and appearance

The existing two houses on site (Towerhurst and Sunnyridge) contribute significantly to the character of the area, set as they are back from Wells Road and with green and well treed front gardens. These houses will be retained and the vast majority of the front garden trees and a high proportion of the front garden green space will also be kept. From Wells Road, only glimpses of the new houses to the rear will be possible, up the widened access road. From the footpath at the rear, parts of the upper storeys of some of the houses to the rear of the site will be visible. It is not considered that there will be any unacceptable impact on public views of the site.

The site is of course highly visible from the rear gardens of some residents in Highfields. However, no occupier is entitled to a private view - other impacts are considered below.

The character of the site, even if not readily apparent from public viewpoints, will nonetheless change significantly, by the introduction of a new cul-de-sac. However, there are numerous examples of cul-de-sacs of housing in the area, including of course Highfields immediately to the east. It is not considered that the introduction of housing into the area proposed can be seen as out of keeping. It is concluded that the proposal would not adversely impact on the character or appearance of the area.

Living conditions

No's 22, 23, 24 and 25 Highfields all back onto the site, whilst No 26 has a side elevation facing the site. The house on Plot 7 has a side elevation facing No 23. This would be approximately 4 metres from the site boundary and some 16 metres from the rear elevation of No 23. There are no windows proposed in this elevation and the distance considered sufficient to avoid an unacceptably overbearing effect or undue loss of light. No 22 is further away and would be less affected.

The gardens of No's 23, 24, 25 and 26 would adjoin a turning area and parking spaces adjacent to Plots 7 and 8. As this area only serves 2 units, it is not considered that the level of movement in this area would cause unacceptable nuisance.

The unit on Plot 8 is only some 3 metres away from the site boundary and approximately 12.5 metres from the side elevation of No 26. However, this unit is a bungalow and has been designed to avoid creating an unacceptable impact on No's 25 or 26. The houses on Plots 9 and 10 would face toward the rear garden of No 26. They would be some 9 metres away from the common boundary. Some overlooking would therefore occur but planting and/or fencing could be secured on the boundary by means of condition that would reduce this to a level considered to be acceptable.

It is concluded that there would be some impact on the living conditions of occupiers of properties in Highfields but considered not to be sufficient to warrant a refusal on these grounds.

Ecology

The application site is currently rear gardens. These could of course have been landscaped and eradicated any ecological interest. However, they have been left to mature and in the case of Sunnyridge's garden, an old orchard left to grow old and begin to decay. As a result, the gardens will undoubtedly be used by local wildlife. Surveys have shown that no protected species would be directly affected by the proposals. However, the applicants have agreed to the imposition of conditions to ensure additional planting and wildlife mitigation measures in the retained front gardens of the two properties. In addition, although the submitted report did not establish the existence of any bat roost on the site, the applicants would be prepared to accept a planning condition relating to the provision of bat friendly external and street lighting as well as bat boxes as mitigation for any possible reduction in foraging areas.

On this basis, it is concluded that the proposal would not have an adverse impact on ecology.

Archaeology

The Council's archaeologist has noted the potential for archaeological remains to exist on this site and has requested a pre-determination evaluation being carried out. Understandably, the applicants do not want to excavate existing rear gardens without first knowing if the principle of development has been accepted. As the application would need to be the subject of a Section 106 agreement, this would allow any necessary archaeological evaluation to take place after a Committee resolution to permit (if that is indeed the Committee's resolution) but prior to any decision being issued following the completion of the S106 agreement.

Conclusions

There is a need for additional housing in the Bath & North East Somerset Council area and Government policy in the Framework urges the provision of additional housing, as well as approving without delay applications in accordance with the development plan (as this application is). There would be no unacceptable harm caused to highway safety, the character and appearance of the area, ecology or archaeology. It is considered that the limited harm caused to the living conditions of local residents is clearly outweighed by the benefits of providing additional housing within the urban area.

Permission is accordingly recommended, subject to the prior completion of a Section 106 agreement and the completion of an archaeological evaluation and subject to appropriate conditions.

RECOMMENDATION:

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to:-

- 1) The prior completion of a Section 106 agreement to secure contributions for highway safety improvements and for early years, primary school and youth provision, as set out in the report above.
- 2) The prior completion of an archaeological field evaluation, including a geophysical survey of the site, followed up if necessary by trial trenching.
- 3) Conditions as set out below.

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 Before any part of the development hereby permitted is first occupied, the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the proposed estate street and points on the carriageway edge 43.0 metres from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

3 The development hereby permitted shall not be occupied until a footway of 2.0 metres minimum width has been provided on either side of the proposed estate street junction, together with pedestrian crossing points across the estate road and extending into the site on either side of that junction and to the limits of the application site frontage to the public

highway in either direction, all in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

4 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment (including details of boundary treatment to minimise overlooking at the rear of plots 9 and 10) and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

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

Reason: To ensure that the landscape scheme is implemented and maintained.

6 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 and details within that implemented as appropriate. The final method statement shall incorporate a provisional programme of works, supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. 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 trees to be retained are not adversely affected by the development proposals

7 Prior to the commencement of development, a Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken and where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 No development shall take place until detailed proposals have been submitted to and approved in writing by the local planning authority setting out mitigation measures for wildlife in the retained green spaces within the curtilage of Towerhurst and Sunnyridge, or in such other location as may be agreed. No dwelling shall be occupied until the approved measures have been implemented.

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

10 No external lighting shall be lit until detailed proposals have been submitted to and approved in writing by the local planning authority setting out the type of lighting to be used. External lighting shall then only be installed and operated in accordance with those approved details.

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

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the north-eastern (side) elevation of the house on Plot 7.

Reason: In the interests of the living conditions of occupiers of adjacent residential properties.

12 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:

Drawing 9901/RAD/PL01 REV C, received 24 August 2012.

Drawings 9901/RAD/AXB01 A, BEL01 A, BEL02 A, BEL03 A, FEN01 A, GAR01 A, GAR02 A, HAR01 A, HAR02 A, HAR03 A, HAR05 A, LOC/01 A, SE01 A, SOU01 A, WOD01 A, WOD02 A, received 25 April 2012
Drawing 9901/RAD/SCO01 A, received 26 April 2012
Drawing 9901/RAD/PL01 A, received 27 April 2012
Drawing 10547SWG-01, received 2 April 2012

REASONS FOR GRANTING APPROVAL:

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Development Plan Documents and approved Supplementary Planning Guidance and Documents. This is in accordance with the Policies set out below at A.
2. There is a need for additional housing in the Bath & North East Somerset Council area and Government policy in the Framework urges the provision of additional housing, as well as approving without delay applications in accordance with the development plan (as this application is). There would be no unacceptable harm caused to highway safety, the character and appearance of the area, ecology or archaeology. It is considered that the limited harm caused to the living conditions of local residents is clearly outweighed by the benefits of providing additional housing within the urban area.

A

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

D.2	General Design and public realm considerations
D.4	Townscape considerations
HG.1	Housing requirements
HG.4	Residential development in urban areas
HG.5	Affordable housing
HG.7	Minimum residential density
T.24	General development control and access policy
T.26	On-site parking and servicing provision
NE.12	Natural Features
BH.12	Archaeology

Item No: 09
Application No: 12/02970/FUL
Site Location: 41 Elliston Drive, Southdown, Bath, Bath And North East Somerset



Ward: Southdown	Parish: N/A	LB Grade: N/A
Ward Members: Councillor P N Crossley	Councillor D M Romero	
Application Type: Full Application		
Proposal: Erection of dormer window		
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,		
Applicant: Mr Graham Bradley		
Expiry Date: 3rd September 2012		
Case Officer: Andy Pegler		

REPORT

Reasons for Reporting Application to Committee:

Cllrs. Romero and Crossley have requested that the application be referred to committee if the recommendation is to refuse. Cllr. Romero refers to the complex and lengthy planning history, and the interest of absolute transparency on decision making; and points out that the proposal is significantly reduced from that which was previously refused. Cllr. Crossley considers that the latest application addresses the questions that were posed with previous submissions, and that the applicant should have the opportunity to address any concerns directly with the committee.

Description of the Site and Application:

The property is situated on the north side of Elliston Drive and is one of 3 (originally) identical townhouses arranged over 3 floors. Recent alterations to the property comprise the raising of the ridge height of the roof; and the introduction of rooflights to the front. The land on which the group of properties stand is steeply sloping. Consequently, the neighbouring houses to the east and west are, respectively, higher and lower. The property backs onto neighbouring properties on The Hollow which is set at a higher level.

The application proposes the erection of a dormer window, facilitating access to a roof conversion. The submitted drawings describe the face of the dormer corresponding with the rear face of the building, and the ridge (of the dormer) corresponding with that of the main roof. A 'half-hipped' roof form is proposed. The dormer sides are proposed to be tile-hung, and the roof tiled to match the main roof. The window would be obscure-glazed, and non-opening.

Relevant Planning History:

06/03135/FUL - RF - 7 November 2006 - Loft conversion with rear dormer extension (resubmission)

07/00427/FUL - RF - 3 July 2007 - Alterations to roof slope to alter pitch and raise ridge and the provision of a rear dormer (Retrospective application)

07/00093/ENFAPL - DISMIS - 22 January 2008 - Appeal against Enforcement Notice

08/00887/CLPU - RF - 1 May 2008 - Provision of loft with rear dormer

08/02704/FUL - RF - 26 September 2008 - Alterations to roof slope to alter pitch and raise ridge and erection of a rear dormer (Retrospective)

08/02725/CLPU - RF - 22 September 2008 - Provision of dormer on rear roof slope (resubmission)

09/00150/FUL - RF - 25 March 2009 - Installation of rear dormer (Retrospective) (Resubmission)

09/04029/FUL - RF - 18 February 2010 - Construction of rear dormer window and raising of roof (Part retrospective)

10/00025/CLPU - RF - Provision of loft with rear dormer

10/00048/ENFAPL - DISMIS - 19 April 2011 - Without the benefit of Planning Permission, the unauthorised development comprising of the raising of the roof ridge of the dwelling and the installation of a rear dormer roof extension

10/01163/FUL - RF - 10 February 2011 -Construction of rear dormer window and raising of roof (Part retrospective) (Resubmission)

10/04009/FUL - PER - 10 February 2011 - Raising of roof of dwelling (Retrospective)

Members' attention is drawn, in particular, to the appeal against an Enforcement Notice which, having been dismissed in April 2011, resulted in the removal of an unauthorised dormer roof extension which had been constructed in 2007.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The occupier of a neighbouring property, to the rear, has expressed concern at any suggestion that overlooking is not an issue; and points out that, unlike the existing windows, those at roof level are clearly visible. The harmful impact of a previous dormer and the present state of the building are referred to; and it is suggested that the interests of neighbours are not being properly considered. A site visit is suggested to be necessary.

POLICIES/LEGISLATION

The Development Plan comprises, inter alia, the Bath and North East Somerset Local Plan, including minerals and waste policies, 2007 (the Local Plan). Of particular relevance are Policies D.2 and D.4. which relate, respectively, to Design & the public realm, and Townscape.

The National Planning Policy Framework (NPPF) was published in March 2012 and is therefore recognised as a material consideration.

There is no conflict between the relevant policies of the Local Plan and the NPPF. The presumptions are in favour of sustainable development, having regard to economic, social and environmental aspects.

OFFICER ASSESSMENT

The application raises 2 principal issues. Firstly, the extent to which the proposed dormer window respects and reflects the prevailing character and appearance of the host property and the group of which it forms a part; secondly, the impact of the proposal upon the amenities of neighbouring residential occupiers.

Character and appearance:

In determining the appeal in 2011, the Inspector opined that the property was viewed from a significant number of neighbouring properties to the rear and would therefore be appreciated as part of the character of the area in which the occupants reside. The Inspector also noted that there are very few dormers visible and the predominant

character and appearance of the area is therefore of a roofscape largely uninterrupted by dormer additions; and that this is especially true of the immediate group of dwellings that includes the application property and which is closest to those living to the rear (on The Hollow). The Inspector noted that the previous dormer was particularly incongruous in its setting. The dormer covered a substantial area of the rear roof slope acting to dominate the roofslope. The Inspector concluded that the dormer failed to maintain the character of the public realm and did not respond adequately to the local context contrary to policies D.2 and D.4 of the Local Plan.

The scale and position of the proposed dormer appear to be determined by the need to provide headroom above a (modified) internal staircase. As a consequence (and contrary to the suggestion by the applicant's agent) the dormer is set well forward in the roof slope, and its ridge corresponds closely with that of the main roof. The result is a structure of undue prominence. An attempt has been made to reduce the scale of the dormer by utilising a half-hipped roof form. Such a detail is however incongruous in the context of the surroundings which comprises an uninterrupted and simple roofscape. The design is overly contrived, and results in a proposal which fails to respect and reflect the prevailing character of the host property and the group of which it forms a part.

It is recognised that the current proposal is smaller than the previous dormer in terms of its width however its height is greater than the dormer which has been removed by virtue of its pitched roof design. Whilst the proposal incorporates more sympathetic materials, it continues to be harmful to the overall character and appearance of the area and the harm which was previously identified both by the Council and the Inspector has not been overcome.

Regard has been had to other dormer roof extensions in the locality, to which the applicant has drawn attention; and also to the perceived benefits relating to the resulting accommodation. In the circumstances however these factors do not serve to outweigh the harm identified above. Personal circumstances can rarely, if at all, be given weight in any assessment of planning merits.

Residential Amenity:

A previous Planning Inspector described the relationship between the application property and its neighbours as "...a relatively intimate area of gardens...". In response to concerns relating to overbearing and overlooking (or perceived overlooking) the applicant has sought to reduce the apparent scale of the dormer, and has introduced obscure glazing and non-opening windows. On balance, and with appropriate conditions, the proposal would have no significant adverse impact upon the amenities of neighbouring residential occupiers.

Conclusion:

The proposal fails to respect and reflect the prevailing character of the host property and the group of which it forms a part. Whilst it would, with appropriate conditions, have no significant adverse impact upon the amenities of neighbouring residential occupiers, such findings do not outweigh the harm identified above in respect of character and appearance.

RECOMMENDATION

REFUSE

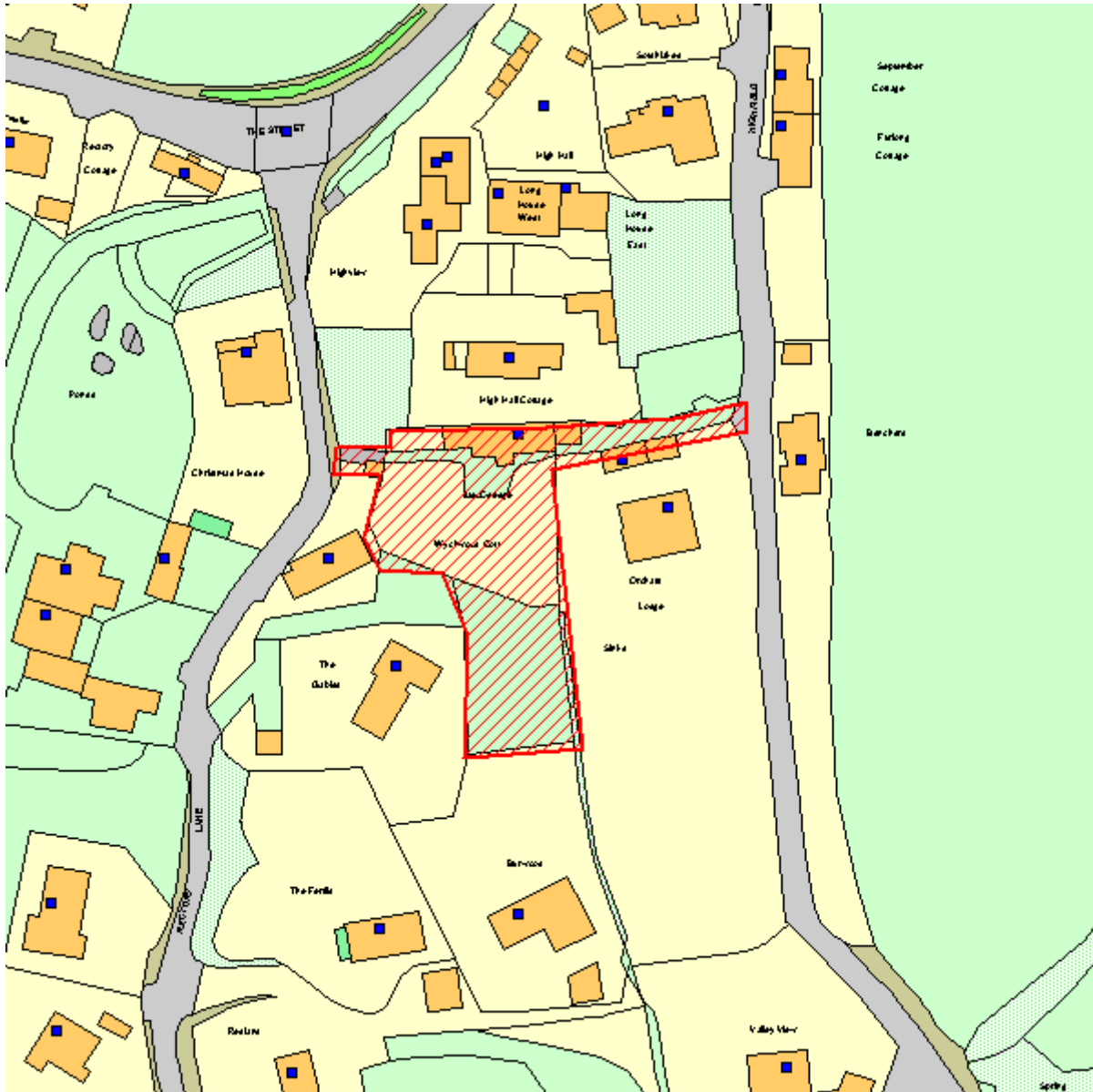
REASON(S) FOR REFUSAL

1 The proposed dormer roof extension, by reason of its overall scale, design and situation, would appear as a discordant and obtrusive feature, to the detriment of the character and appearance of the dwelling and the group of which it forms a part, and contrary to Policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007.

PLANS LIST:

This decision relates to drawings no. 003 and 005, received 9th.July 2012.

Item No: 10
Application No: 12/02743/FUL
Site Location: Ivy Cottage, Rectory Lane, Compton Martin, Bristol



Ward: Chew Valley South **Parish:** Compton Martin **LB Grade:** N/A
Ward Members: Councillor V L Pritchard
Application Type: Full Application
Proposal: Erection of a two storey extension (Resubmission)
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Housing Development Boundary, Water Source Areas,
Applicant: Mr & Mrs Giles Barnes
Expiry Date: 20th August 2012
Case Officer: Richard Stott

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Compton Martin Parish Council has objected to this application, contrary to the Case Officers recommendation. In accordance with the adopted Scheme of Delegation this application was reported to the Chairman of the Development Control Committee on the 14th August 2012 who resolved that the application should be determined by the Committee

PROPOSAL:

This application relates to a linear detached property situated to the south of Compton Martin. Ivy Cottage and High Hall Cottage - situated to the north - were originally two small terraces of three dwellings (presumably farm workers cottages) however both of these terraces have been converted into individual properties.

The land to the side (west) of the application site falls away steeply to the road below; the western boundary of the site is demarked by mature trees and vegetation cover offering a level of screening to the site. The site is within the Compton Martin Conservation Area and the Mendip Hills Area of Outstanding Natural Beauty

Consent is sought for the erection of a two storey side extension.

RELEVANT HISTORY

12/00342/FUL - Erection of a two storey extension - WITHDRAWN

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION:

HIGHWAY DEVELOPMENT: No Comment

COMPTON MARTIN PARISH COUNCIL: Object:

Scale and mass is significant.

Balcony adversely affects neighbours amenity.

Does not enhance Conservation Area.

Stability of the ground should be investigated.

Question whether the steps are a public right of way.

REPRESENTATIONS:

1x Letter of Objection:

Orientation of adjacent property and local topography means the front garden is the main amenity area - this would be overlooked by balcony.

Gable wall will be very high when viewed from the road.

Plans fail to convey the nature of the topography.

Windows and balcony not in keeping with the area.

If permitted, request that the installation of windows in the gable is prevented by condition.

2x Letters of Support:

Extension will enhance the property.

Encourage a young family to stay in the village.

POLICIES/LEGISLATION

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

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.6 Conservation Area

NE.2 Area of Outstanding Natural Beauty

DRAFT CORE STRATEGY, MAY 2011 (The Draft Core Strategy is a material consideration but at this stage it has limited weight)

Policies D.2, D.4, BH.6 and NE.2 are all saved.

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

OFFICER ASSESSMENT

PREAMBLE

This application is a resubmission following the withdrawal of a larger scheme earlier in 2012. The previous scheme detailed a full height, full width extension from the western gable, projecting 8m down slope towards the adjacent road. Due to the slope, the proposed gable would have sat over 8m high when viewed from the west, this was concluded to represent a disproportionate over-development of the site that would harm the intrinsic character of the original dwelling and appear out of scale. The applicant chose to withdraw the application rather than receive a refusal notice. This resubmission follows detailed pre-application negotiations with the applicant in order to find an amicable and acceptable solution.

Ivy Cottage, like High Hall Cottage which sits immediately to the north, was originally three cottages however it has at some time been merged into one single dwelling. The property has been extended to the west sometime post 1974 however it has not been possible to locate the application file.

PROPOSAL

This proposal again seeks to extend to the west of the main dwelling however has been remodelled so the ridge line steps down. The design has also been modified so whilst still creating two stories, the upper level is set into the roof and serviced by a traditionally proportioned dormer. Additional space has been added to the study/larder area (bringing it in line with the forward limit of the current extension) in order to compensate for the loss of space in the roof however at first floor level the width has been kept in line with the front elevation of the original dwelling, ensuring a matching roof pitch can be achieved to tie in with the pitch of the main dwelling. The space above the study/larder is shown on the plan as balcony accessed via the dormer window. The overall result of the changes to the design is an extension that is staggered in line with the drop in the land. The stepped approach aids the legibility of the property ensuring the new element is read as an obvious extension.

DESIGN

In consideration of the revised design it is felt that the proposed represents an appropriate scale of development that is proportionate to the host dwelling. The use of matching materials is entirely acceptable and will help to harmonise the development. The fenestration details tie with the rest of the dwelling. In terms of the proposed balcony, the use of what would otherwise be a flat roof is welcomed. The alternative to having a balcony would be to have either a flat roof – considered to be aesthetically jarring with the existing dwelling – or to extend the roof line out which would appear disjointed with the existing roof and would increase the overall bulk and mass of the extension to the detriment of the intrinsic appearance. In terms of the visual impact on the streetscene and surrounding area, whilst it is noted that the property can be seen in glimpses from the adjacent road, due to the immediate topography and the existing tree cover, the proposed extension would largely be screened from the public realm. It is accepted that the extension would in part be seen by pedestrians to the west however it is concluded that the proposed would not adversely harm the character and appearance of the street scene.

IMPACT ON CONSERVATION AREA/AREA OF OUTSTANDING NATURAL BEAUTY

The proposed development by virtue of its reduced height and mass, as well as its siting amongst existing buildings and screened in part by the surrounding vegetation cover is unlikely to detrimentally harm the rural character of the wider Area of Outstanding Natural Beauty and is considered to preserve the character and appearance of the Conservation Area – for the most part it is unlikely that the proposed would be seen from outside the immediate area.

IMPACT ON RESIDENTIAL AMENITY

Turning to the impact on residential amenity this is perhaps the most contentious part of this application. The two properties most affected are High Hall Cottage directly to the north and Wychwood Cottage, offset to the south. The residents to the north have supported this application and whilst it is acknowledged that the proposed will give rise to an increase in overshadowing in respect of this properties garden, the distance between these two dwellings is such that amenity should not be adversely affected by this development. In the interest of preserving amenity it is recommended that permitted development rights are removed for the installation of windows on the north elevation of the application property.

The residents to the south have raised an objection based on the relationship of the application site to their house and the impact the balcony would have in terms of giving rise to an additional level of overlooking. This objection is noted and understood however it is felt that the position of the balcony in respect of the drop in slope and orientation of the site would not give rise to a significantly detrimental loss of privacy. It is important to note that intervisibility is a two way issue and whilst the adjacent residents could be overlooked by users of the balcony, equally the users of the balcony could be overlooked by the adjoining residents. On balance it is felt that there is sufficient distance between these two properties with a good level of intervening vegetation that would offer screening (particularly during the summer months when a balcony feature is more likely to be used - and the orientation is such that amenity should not be adversely compromised.

CONCLUSION/RECOMMENDATION

In conclusion it is felt that this application represents an acceptable form of development and is an overall improvement to the scheme that was withdrawn earlier in 2012. The issue relating to loss of privacy is noted however not considered to be sufficient enough to

outweigh the wider in principle support for the case and it is therefore recommended that consent is granted. It is recommended that permitted development rights are removed for the addition of any new windows on the north elevation in the interest of preserving privacy.

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 provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the north elevation at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

3 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the development, the character and appearance of this part of the Conservation Area and the setting of the Area of Outstanding Natural Beauty

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

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

PLANS LIST:

This decision relates to the Design and Access Statement and Site Photos and to Drawings 59.473-1 and 95.473-5 dated 25th June 2012

REASONS FOR GRANTING APPROVAL

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

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

3. The revised size, scale, mass and design of the extension is considered to be proportionate and subservient, retaining and maintaining the appearance of the host dwelling and built in appropriate matching materials.

4. By reason of its location set within existing mature vegetation and seen against the backdrop of existing residential properties, the proposed is unlikely to adversely harm the rural setting of the Area of Outstanding Natural Beauty or harm the character and appearance of this part of the Compton Martin Conservation Area.

5. By reason of its size, scale and mass, the orientation of the application site in respect of the adjoining dwelling to the south and the intervening existing vegetation the proposed development and the presence of the proposed balcony is unlikely to adversely harm residential amenity.

A

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

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.6 Conservation Area

NE.2 Area of Outstanding Natural Beauty

DRAFT CORE STRATEGY, MAY 2011 (The Draft Core Strategy is a material consideration but at this stage it has limited weight)

Policies D.2, D.4, BH.6 and NE.2 are all saved.

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

Item No: 11
Application No: 12/03184/REG03
Site Location: Street Record, Stall Street, City Centre, Bath



Ward: Abbey **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor B J Webber Councillor Manda Rigby
Application Type: Regulation 3 Application
Proposal: Extension of temporary permission for statue at Stall Street/New Orchard Street from 1 November 2012 to 30 April 2013
Constraints: Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Flood Zone 2, Forest of Avon, General Development Site, Hotspring Protection, World Heritage Site,
Applicant: BANES Council, Tourism Leisure And Culture

Expiry Date:	3rd October 2012
Case Officer:	Richard Stott

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant's agent has a close association with Planning Services and the application is made on behalf of Bath & North East Somerset Council.

PROPOSAL:

Temporary planning permission was given in April 2012 for 9 sculptures located around Bath City as part of the Sculpture and Sport art exhibition celebrating the 2012 Cultural Olympiad. The permission was granted for a temporary period which is due to expire on the 1st November 2012.

This application relates to a sculpture depicting the torso of Olympic swimmer Mark Forster which is located at the northern end of Stall Street and seeks consent to extend the time limit of the installation for a further six months until 20th April 2013.

RELEVANT HISTORY

12/00495/FUL - Erection of 9 temporary plinths with name plaques in various locations (for the display of temporary public art works) (01/05/2012 - 01/11/2012) - PERMIT

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION:

HIGHWAY DEVELOPMENT OFFICER: No Comment:

REPRESENTATIONS:

None Received

POLICIES/LEGISLATION

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

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.2 Listed Buildings and their Settings

BH.6 Conservation Area

T.24 Development Control and Access

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

B4 World Heritage Site

Policies D.2, D.4, BH.2, BH.6 and T.24 are Saved Local Plan Policies

SUPPLEMENTARY GUIDANCE AND STRATEGIES

Bath & North East Somerset Public Art Policy and Strategy, 2010

World Heritage Site Management Plan, 2011

Bath Public Realm and Movement Strategy, 2010

NATIONAL PLANNING POLICY FRAMEWORK, 2012

The NPPF came into force on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's)

Chapter 7. Requiring Good Design

Chapter 8. Promoting Healthy Communities

Chapter 12. Conserving and Enhancing the Historic Environment

OFFICER ASSESSMENT

PREAMBLE

This application seeks consent to extend the display of a statue located at the northern entrance to Stall Street as part of the 2012 Cultural Olympiad by a period of 6 months from the date the current application expires until the 30th April 2013. Temporary permission was granted for this statue and 8 other art installations around Bath in April 2012 for a period until 1st November 2012.

The statue in question features the torso of Olympic swimmer Mark Foster and is carved of Bath stone set upon a Bath stone plinth. The installation measures 3.08m in height and is 1.38m at its widest point.

It is understood that the Mark Foster sculpture is intended to be permanently retained in the public realm however appropriate engagement and consideration is required before a permanent location and strategy is resolved, this process is currently underway although will not be complete before the current expiration date of 1st November 2012. The request for an extension to the time limit of the sculpture is to allow the applicant (the Council), along with other stakeholders to resolve a permanent solution for the long-term installation of this piece of "legacy" art within the City.

ASSESSMENT OF DESIGN AND SETTING

In principle there is no objection to the limited extension in time for this sculpture to be displayed. No objection was raised when the application was first presented to the Committee in April 2012 and no objections have been raised to this application.

As stated, the sculpture is located at the entrance to the Southgate development at the bottom of Stall Street and is viewed against a back drop of large retail units in an open urban space. Due to the surrounding space the proposed does not adversely impede pedestrian movement and does not cause a highway safety issue.

In terms of the setting of the statue, though tall it does not adversely harm the setting of the street scene in this part of the Conservation Area and World Heritage Site. However, now that the London Olympics are over the appropriateness of a site for the long term display of such a sculpture needs to be considered by the Council. In the meantime the proposed is deemed acceptable for the temporary period specified.

RECOMMENDATION

For the reasons set out in this report it is recommended that temporary planning permission is again given for the retention of the Mark Foster torso statue with condition(s)

CONDITIONS

1 This permission shall expire on 31st March 2013 after which time the development hereby permitted shall be removed, the use hereby permitted discontinued and the ground shall be restored to its former state.

Reason: A six month extension to the current permission is deemed to be sufficient time to allow the applicant to resolve a permanent solution for the siting of this statue as part of the Olympic Legacy programme.

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

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

PLANS LIST:

This decision relates to the Design and Access Statement and to drawings 1132/01 1132/02, 1132/03 date stamped 21st July 2012

REASONS FOR GRANTING APPROVAL

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

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

3. The retention of this art installation which is currently in situ has been carefully sited and designed so as not to adversely harm the setting of the World Heritage Site or character, fabric and setting of the various listed buildings around the city. By reason of its size, shape, mass and positions, the installation does not adversely harm the character of the streetscape and preserves the character and appearance of the wider Conservation Area.

A

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

D.2 General Design and Public Realm Consideration

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BH.1 World Heritage Site

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Policies D.2, D.4, BH.2, BH.6 and T.24 are Saved Local Plan Policies

SUPPLEMENTARY GUIDANCE AND STRATEGIES

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