

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **2nd July 2014**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

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 Group Manager, Development Management about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

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

The following notes are for information only:-

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

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

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02	13/04710/OUT 29 January 2014	Davies Street (Bathampton) Ltd The Old Timber Yard, Tynning Road, Bathampton, Bath, BA2 6TQ Outline planning application with all matters reserved, except means of access, for a residential development (15 units) following the demolition of existing buildings with associated parking, landscaping and ancillary works and relocation of mast.	Bathavon North	Richard Stott	PERMIT
03	13/04683/FUL 25 December 2013	Legend Strategy Enterprises (UK) Ltd Radway Service Station, 482 Wellsway, Bath, BA2 2UB, Demolition of the existing Radway Service Station at 482 Wellsway and dwelling house at 2 Oolite Road to provide five small-scale student cluster flats. (Resubmission)	Odd Down	Jonathan Fletcher	Delegate to PERMIT

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06	14/00981/FUL 28 April 2014	Abbey Hotel Abbey Hotel, 1 North Parade, City Centre, Bath, Bath And North East Somerset Change of use of public highway to allow temporarily sitting of chalet to house outside catering bar	Abbey	Jonathan Fletcher	REFUSE
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**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON
APPLICATIONS FOR DEVELOPMENT**

Item No:	01
Application No:	14/02158/FUL
Site Location:	Recreation Ground Pulteney Mews Bathwick Bath Bath And North East Somerset



Ward: Abbey

Parish: N/A

LB Grade: N/A

Ward Members: Councillor B J Webber Councillor Manda Rigby

Application Type: Full Application

Proposal: Retention and/or replacement of, and extensions to, the existing temporary spectator stands along the north, west and eastern sides of the retained playing field, (as approved under planning permission references 09/01319/FUL, 10/01609/FUL, 10/01608/FUL, 10/01611/FUL), provision of new hospitality boxes to either side of the retained south stand, new control room, and associated works and ancillary facilities comprising toilets and food and bar facilities (temporary application for period of up to two years)

Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Protected Recreational, World Heritage Site,

Applicant:	Bath Rugby Ltd
Expiry Date:	15th August 2014
Case Officer:	Gwilym Jones

REPORT

REASON FOR REPORTING TO COMMITTEE

The Divisional Director - Development, considers that given the prominence of the site this application should be determined by the Development Control Committee.

SITE AND SURROUNDINGS

The Bath Recreation Ground ('The Rec') is located in the heart of the city, within the City of Bath Conservation Area and the UNESCO World Heritage Site. Bath Rugby's ground occupies the western part of The Rec and comprises a number of permanent buildings including the Clubhouse at the northern end of the ground, covered South and West Stands as well as temporary seating and stands principally on the eastern and northern sides of the pitch. The area occupied by the Club includes the Grade II listed 'President's Lounge' (a former lime kiln), and beyond (to the north) the site is bounded by the Grade I listed terraces of Johnstone Street. To the south is the Council Leisure Centre building and to the west a public footpath and beyond that the River Avon. The remainder of The Rec to the east is recreational open space. The application site is located within Flood Zone 3a/3b.

Vehicular access to the ground is via William Street and Pulteney Mews from the north and off North Parade Road from the south. Pedestrian access is via Pulteney Mews from the north and the riverside walk to the west of the Recreation Ground, as well as from the south via the Leisure Centre car park off North Parade Road.

The Club occupies its site on The Rec under the terms of a lease granted by the Recreation Ground Trust, a charitable organisation. The lease defines a specified area of The Rec that the Club are permitted to occupy and the footprint of the proposed extensions (i.e. where the structures are positioned on the ground) would be sited within the existing lease area. It is noted however that the proposed upper level extension to the East Stand would over-sail the lease boundary.

CURRENT PLANNING APPLICATION

This is a full planning application for the retention and/or replacement of, and extensions to, the existing temporary spectator stands on the north, west and eastern sides of the playing field, provision of new hospitality boxes to either side of the retained south stand, new control room, and associated works and ancillary facilities comprising toilets and food and bar facilities. Planning permission is sought for up to 2 years and would increase the capacity of the ground by about 2,000 from 12,000 to 14,000 spectators. The application comprises:

North Stand - retention of previously approved terracing and extension to the existing temporary stand involving the construction of between two and five rows of seats along the length of the stand to provide 408 seats in addition to the standing area. The proposals will increase the height of the stand by approximately a maximum + 3m from 4.57m to 7.6m including a safety guard rail (+2.7m to a maximum of 7.25m adjacent to Johnstone Street). The seating will be located in front of and to the east of the existing

Clubhouse with access from each end as well as from an existing staircase at the eastern end of the Clubhouse. The existing east-west pedestrian route between the Clubhouse and the Stand (which is also a route for Environment Agency access to the Radial Gate on the River Avon) will be maintained beneath the proposed additional seating. The stairs/handrails/guard rails/balustrades will be unpainted aluminium, with plastic seating similar to that previously approved on the East Stand.

East Stand - retention of and extension to the existing temporary stand comprising the construction of five additional rows of seats along the length of the stand to provide 1,167 additional seats to the scheme approved in 2010. The proposals will increase the height of the stand by +1.25m from approximately 7.8m to 9.1m including a safety guard-rail. It is proposed that double layered green coloured netting would cover the rear of the stand as has been used for the previously approved temporary East Stand. The stairs/handrails/guard rails/balustrades will be aluminium, with the additional seating to be similar to that previously approved on the East Stand.

South Stand - construction of two temporary buildings (3.75m x 4.5m and 10.2m high) to the east and west of the existing South Stand. These will provide additional hospitality boxes with access from the existing South Stand. The structures will have an open ground floor (above existing seating) and two floors above constructed of white painted steel on black painted steel supports. The boxes will have balconies to the north elevations (and south on the eastern side of the existing stand). The access stairway, balcony balustrade, guard-rails and doors/windows will match the existing South Stand.

West Stand - retention of previously approved temporary seating area and siting of control room 3m x 3m and 7.25m high, located at the northern end of the West Stand. The Control Room is a requirement of the Professional Gaming Board and the Council's Safety Advisory Group. No increase in spectator capacity is proposed from that previously approved.

Previous permissions for temporary stands and seating permit their erection on the site for a maximum of 39 weeks in any year and require that they are entirely removed on or before the 21st May each year.

The existing floodlighting, screen and public address systems will remain as existing.

The application is accompanied by a Planning Statement, Design and Access Statement, Transport Assessment and Travel Plan, Heritage Statement, Archaeological Assessment, Landscape and Visual Impact Assessment, Flood Risk Assessment and Statement of Community Involvement.

RELEVANT PLANNING HISTORY

14/01906/SCREEN Request for screening opinion in relation to the proposed temporary planning application for an interim stands scheme - Pending Consideration

13/04165/SCOPE Request for scoping and screening opinion for the redevelopment of Recreation Ground - Screening and Scoping Opinion

13/02074/FUL Alterations to existing Groundsman's sheds to enlarge access doors and improve structural stability Permitted 08./07./2013

12/05174/FUL Replacement of existing scoreboard with new larger scoreboard (Retrospective) - Permitted 30.01.2013

12/04592/LBA Internal alterations to form new First Aid Suite to lower floor of existing lime kiln building following removal of existing portable First Aid unit - Permitted 17.12.2012

12/03649/COND Discharge of condition 2 of application 12/02616/LBA - Discharged 27.09.2012

12/02277/FUL Replacement operational Slim-line & Lightweight Flagpole extending to 12.1m AGL with integral antennae together with 1no equipment cabinet positioned at ground level at Bath Rugby Ground Clubhouse - Application Withdrawn

12/02616/LBA Provision of new hardstanding following removal of existing lean-to tin groundsman's shed - Permitted 13.08.2012

11/02078/FUL Replacement screen/scoreboard Permitted 10.08.2011

10/03326/COND Discharge of conditions 8, 9 and 11 of application 10/01611/FUL - Split decision 01.10.2010

10/03325/COND Discharge of conditions 3, 7, 8 and 10 of application 10/01609/FUL - Split decision 01.10.2010

10/02958/COND Discharge of condition 3 of application 10/01608/FUL Condition Discharged 07.09.2010

10/01612/FUL - Replacement Screen/Scoreboard - Permitted 24.06.2010

10/01611/FUL - Erection of temporary East Stand - Permitted 08.07.2010. Expires 08.07.2015

10/01610/FUL - Erection of extension to permitted standing area (North Stand) - Withdrawn

10/01609/FUL - Erection of temporary stands on west side of ground including fabric roof over part of Ringside 2 and alterations to fencing to incorporate additional area to improve spectator circulation and accommodate additional portable toilet trailers during rugby season - Permitted 24.06.2010. Expires 24.06.2015

10/01608/FUL - Erection of temporary covered seating for disabled spectators at Ringside 5 - Permitted 24.06.2010. Expires 24.06.2015

10/00412/TCA - Pollard Horse Chestnut to east of Clubhouse - No objection raised 22.02.2010

09/01319/FUL - Erection of replacement temporary stands with associated works to earth bank and area of concrete terracing - Permitted 09.07.2009

07/03785/VAR - Variation of conditions 1 and 2 of application 05/02211/FUL in relation to extension of temporary permission (Condition 1 relates to the extension of time from May 2008 until May 2011) and (Condition 2 enables greater flexibility as to the date of the commencement of the 39 weeks the stand could be in place) - Permitted 20.03.2008

07/03784/VAR - Variation of conditions 1 and 2 of application 05/03248/FUL in relation to extension of temporary permission (Condition 1 relates to the extension of time from May 2008 until May 2011)and (Condition 2 enables greater flexibility as to the date of the commencement of the 39 weeks the stand could be in place) - Permitted 20.03.2008

07/03783/VAR - Variation of conditions 1 and 3 of application 05/02209/VAR in relation to extension of temporary permission (Condition 1 relates to the extension of time from May 2008 until May 2011) and (Condition 3 enables greater flexibility as to the date of the commencement of the 39 weeks the stand could be in place) - Permitted 20.03.2008

06/02293/VAR - Variation of condition 2 of application 05/02211/FUL consent 14.09.05 to enable earlier erection of temporary stands prior to commencement of season - Permitted 10.08.2006

06/02204/VAR - Variation of condition 2 on application 05/03248/FUL permitted 22.12.05 to enable earlier erection of temporary stands prior to commencement of season - Permitted 10.08.2006

06/02294/VAR - Variation of condition 3 of application 05/02209/VAR consent 14.09.05 to enable earlier erection of temporary stands prior to commencement of season - Permitted 11.08.2006

05/03248/FUL - Extension to temporary North Stand - Permitted 22.12.2005

05/02211/FUL - Erection of temporary stands on west, north and south sides of rugby pitch, for use until 20th May 2008 - Permitted 14.09.2005

05/02209/VAR - Variation of condition 1 of planning permission 03/01301/FUL to extend expiry date to 21st May 2008, for east stand - Permitted 14.09.2005

03/01301/FUL - Erection of New Temporary East Stand - Permitted 06.08.2003

01/01348/VAR - Variation of condition 1 of permission 98/00773/VAR (temporary stands) to expire on 21 May 2005 (revised proposal) - Permitted 10.10.2001

96/00219/FUL - Erection of a temporary stand on west side and replacement of existing temporary east side stand - Refused 18.09.1996

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The applicant has submitted an EIA Screening Opinion request. In the light of an assessment of the proposed development and the range, likelihood and scale of effects on the environment, including the cumulative impact of the different elements and operations and with other development it is concluded that there are unlikely to be significant effects on the environment and an Environmental Impact Assessment is not required in this case.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

English Heritage

Recognise that there will be some impact from this proposal on the historic environment, but it will be temporary and not substantial in terms of scale and height. Bath Rugby Club ground is located in the centre of the city of Bath. The existing stadium is made up of a variety of structures of varying architectural merit at best described as of neutral quality. The rugby pitch is situated within the Council owned Recreation grounds on the eastern side of the River Avon opposite the Grade II Parade Gardens and to the south of Pulteney Bridge - listed Grade I. This location is within the Bath World Heritage Site and the city-wide Conservation Area. Being so centrally located, the grounds are close to many highly designated heritage assets including Bath Abbey and property fronting onto Johnstone Street as well as those already mentioned above. Development on the site has the potential to impact on the settings of surrounding designated historic assets in views through, into and out of the site and on the Outstanding Universal Values (OUV) of the World Heritage Site. Given the minor increases in the scale of the existing stands and the temporary nature of the proposals we do not regard that the level of harm is sufficient to cause us to raise an objection. There are however some aspects of the scheme that require more information or that we would wish to see controlled by condition:

- the extension to the SW corner of the South Stand could be potentially harmful to the perceived openness of The Rec within the conservation area.
- details for the new control box are poor and in our opinion being relocated closer to the western side of the river within the opening to one of the main entrances could potentially have an impact on views and the visual permeability of the site.
- we are pleased to see that a proposed crowd management strategy is being put forward as part of this Interim Scheme proposal, which may help to relieve pressure on the historic environment at key times and locations.

Environment Agency

No objection in principle to the proposals subject to conditions relating to compliance with submitted Flood Risk Assessment and ensuring access for a 1000 tonne crane to Pulteney Gate in the event of an emergency. Note that as the planning application seeks temporary permission for 2 years, the FRA has only considered the impact of climate change within this timeframe. If a more permanent planning permission is sought in the future the FRA would need to be revised to ensure the impacts of climate change are considered over a longer period.

BANES Historic Environment Team

East Stand (seasonal) - the proposed five additional rows to the rear of this temporary stand increase the height by 1.25m. Such modest increase is not considered significant in terms of impact on views towards the city centre, including those of the Abbey. The height change would be hardly discernible. The increased cantilever would be apparent when viewed from the recreation ground but is not considered to cause any substantial harm to heritage assets.

North Stand - the proposed additional seating terraces will increase the height to the top of the railings by 2.7m. This is the greatest proposed increase in height of the three stands (north, east and west). The most fundamental impact will be on views along Johnstone Street (Grade I listed terraces) and on the setting of the President's Lounge (Grade II). The current stand is set back about 10.5 m from the front elevation of the President's Lounge and this depth will decrease to about 5.8m with the proposed addition. This will have an impact on the setting of this listed building, but this is considered to be less than significant due to the presence of the existing stand and the impact that it already makes. The proposed increased stand height will result in the new railings at the top of the terrace being visible from and interrupting the existing view from the end of the street. However, there are existing railings at the end of Johnson Street itself which already obscure the view, and these will also partly screen views of the new railings at the top of the stand. There is also a structure proposed at the west end of the stand adjacent to the river which it is understood will replace the existing portacabins at the east end. Again the design will need to respond to the sensitivity of this particular location and more details should be sought, possibly by condition.

South Stand - this part of the scheme includes front row space for wheelchairs and additional hospitality boxes at both ends rising to height of 10.2m. The most significant external views of this stand are of its west end from Grand Parade and the bridge. The extension on the west end will be clearly visible in this important view and will screen existing open views through to the rugby ground and beyond. There is no objection to the principle of a new structure in this location, grouping with the existing buildings, provided the quality of design is sufficiently high to justify its presence and impact. I am not convinced that there is sufficient information currently submitted to make a full assessment of potential harm caused, and would recommend that its design is covered by a condition requiring submission of full details.

West Stand - to remain as existing.

Banners and flags are shown on the drawings, positioned along the backs of the stands. These are excessive in number and will have a considerable skyline and long distance visual impact but I understand they do not form part of this application.

Conclusion - undoubtedly the temporary proposals will have an impact on heritage assets, but this is considered to be less than substantial. Paragraph 134 of the NPPF states 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". There are considerable public social and economic benefits for the city

derived from the scheme, including the club's forthcoming 150th anniversary celebrations. There is also enhanced accessibility to the grounds for wheelchair users and widened gates for the general public, further adding to the public benefit. In such circumstances it is considered that these outweigh the less than substantial harm caused by the proposed temporary works. I consider that further details should be sought for the proposed new structures adjacent to the river as highlighted above. Alternatively conditions should be included, requiring such information. Provided the design of these structures is deemed to be satisfactory I would recommend that temporary permission is granted for the development.

Highways

The Recreation Ground is located in an accessible position, and the highway authority does not object to the principle of the development at this location. However, given the existing pedestrian access limitations and also the potential for a wider impact on the Bath transport network, a full assessment of the impacts is necessary. There is also a need to review the impacts that could occur through the construction phase of the proposed development (it is noted that some of the stands are temporary and need to be dismantled and reconstructed every summer). The applicant has submitted a Transport Assessment and Travel Plan which aim to quantify the potential impacts and promote mitigation measures where deemed to be necessary.

In terms of access to Bath, there are potential constraints which could mean that any increase in the number of rugby spectators travelling to Bath could result in a detrimental impact on other travellers, visitors to Bath and/or residents. To determine the significance of such impacts, the parking capacity and the adequacy of the public transport connections has been reviewed as part of the Transport Assessment. The Transport Assessment estimates that there will be an increased parking demand of 374 vehicles associated with the extension proposals. This figure does not appear to be unreasonable given the existing parking trends associated with the supporters that already travel to the Recreation Ground. The Assessment has made the assumption that there is no additional parking available within the city centre car parks (which is agreed), and spectators would have to park at other available destinations. The submitted information demonstrates that on a 'normal' Saturday match day, there would be sufficient capacity at P&R sites, although this is somewhat subject to the proposed Newbridge P&R site extension being completed (due to be finalised later in 2014). It is also anticipated that there would be a moderate increase in the level of on-street parking within areas where no existing parking controls exist. Whilst the submitted information demonstrates that increased demand on parking is likely to be able to be accommodated on a typical Saturday, there would be a significant worsening of the existing capacity problems that occur when other large events, such as the Christmas Market, the Bath University open day (which currently takes place on a Saturday in September) and University of Bath and Bath Spa University fresher's welcome weekend, coincide with the rugby fixtures. To help mitigate potential overcrowding, the P&R operator has previously increased frequency of buses at peak times and also opened the P&R sites later on Friday evenings. It is expected that this flexibility will continue in the future, although the Club will need to work with the operators to confirm fixture dates and times. To ascertain the potential impact of the additional vehicles associated with rugby spectators, as part of any temporary permission granted, it is recommended that the parking levels at the P&R facilities are monitored to determine the significance of any adverse impacts. It is also recommended that surveys of P&R bus use (and any queuing) is undertaken to determine whether delays occur on match days.

This monitoring will need to form part of the Club's Travel Plan and should be used as evidence to determine whether the more permanent aspirations for the Rugby Club can be accommodated without further mitigation measures being implemented. The nature of such monitoring will need to be agreed as part of the Travel Plan review process.

The Transport Assessment fails to provide any detailed information or modelling work to demonstrate that the planned increase in stadium capacity at the Recreation Ground would not result in key junctions near to the ground operating over capacity as a result of any increase in the number of cars travelling into the city centre. Despite the conclusions drawn in the Section 10.6 of the Transport Assessment, with no analysis of those junctions and their operation both pre and post implementation it is impossible to judge whether these increases will have a noticeable or severe impact on traffic operation in the city. Notwithstanding the lack of any traffic modelling work that has been undertaken as part of this application, the Travel Plan that accompanies the application stipulates that short and long term monitoring will be undertaken by Bath Rugby Club. The monitoring undertaken as part of the Travel Plan should not just be used to monitor and ensure the effectiveness of the travel plan and any mitigation measures put in place, but should also be used to monitor the operation and performance of the highway network at key locations surrounding the Recreation Ground. This would ensure that any additional spectator capacity is not having a significant or severe impact in the level of highway capacity. Further discussions will need to take place to agree frequency of monitoring and those key locations that will need to be monitored as part of the Travel Plan as well as the type of indicator that will be monitored. As a minimum any monitoring would need to measure traffic volumes on key links and turning counts at key junctions as well as queue length surveys. Baseline monitoring will need to be undertaken to act as a tool for comparison. It is recommended that any baseline monitoring as part of this process will need to be collected prior to any permission being granted. Before and after monitoring will provide the necessary information on which to examine the effects of any increase in traffic levels associated with the increase in capacity at the ground.

There are existing train capacity problems on match days, and this is particular an issue on the Westbury to Bath First Great Western (FGW) route. The Transport Assessment predicts that there would be an additional 444 train passengers travelling to Bath for each rugby fixture. The Transport Assessment confirms that FGW do not have reservations relating to train capacity on the majority of routes, however, any additional demand on the Westbury to Bath line would be a significant issue. Additionally, there are times when the train station capacity is exceeded (again, when matches coincide with other events being held in central Bath) and passengers will need to be held in Brunel Square outside of the station. The details of such arrangements will need to be agreed with the land ownership, and it is understood that this negotiation is continuing at the current time. To help overcome the problems on the Westbury to Bath rail line (which will not be alleviated by the train operating companies within the timescales of any temporary permission), the Bath Rugby will provide coach services as an alternative to train use. This initiative is welcomed, and it is considered that there is significant potential to extend the coach services to offer more capacity. This would help to alleviate capacity issues on the local train services and also encourage people to move away from car use. The detail of the coach service provision will need to form part of the Travel Plan together with measures to manage coach parking close to the stadium, (see further information below). The location of coach drop off and pick up locations close to the stadium will need to be agreed and it is understood that initial discussions have been held to determine whether the suggested

arrangements are suitable. It is recommended that these agreed arrangements form part of an updated Travel Plan. Additionally, the result of on-going discussions with First Group in relation to additional bus routes need to be included within the Travel Plan.

In terms of the journey to the stadium the Transport Assessment quantifies the additional number of spectators who would want to use P&R bus services or walk between the rail station and the stadium. There would also be a higher number of spectators who would walk from origins across Bath (10.8% of spectators) and also local bus routes (5.8% of spectators). As a consequence, there will be an increased demand on key pedestrian routes and also some local bus services (including the P&R routes). Given the increased demand on the pedestrian routes, the Rugby Club are committed to providing stewards to help manage pedestrian flow and in particular on North Parade and Pulteney Bridge. There are concerns that the existing pedestrian congestion, that can occur at peak times, will worsen and there could be a safety risk. The detail of the pedestrian management, including on-the-day ticketing arrangements, will need to be included as part of the Travel Plan and agreed before the extended stadium is operational. Furthermore, a monitoring regime will be needed to ensure that the management measures can be adjusted to suit issues as these arise. As part of the Travel Plan, a monitoring system of the wider pedestrian network will be needed to ensure that the impact of the temporary stadium enlargement can be reviewed and that improvements implemented where safety issues arise. As a temporary permission is being sought, this monitoring will also help to inform the measures needed to support the longer term aspirations of the Rugby Club. The Travel Plan confirms that improved pedestrian signing will be provided on key routes to and from the stadium. The exact form of the signing arrangements is still in discussion and it is recommended that the detail of the signing provision is included as part of the Travel Plan process.

Access to the Recreation Ground for pedestrians is constrained at North Parade and Pulteney Bridge and it is logical that the number of spectators entering the stadium would be regulated. However, there would be a higher pedestrian flow leaving the stadium at the end of each match and there will need to be effective crowd control management measures in place to ensure that overcrowding does not become a critical issue. It is understood that the Club do now actively steward the areas immediately outside of the ground and that an independent safety officer is employed to manage match day activities. As part of the Travel Plan process, it is recommended that in conjunction with the safety officer, the crowd management activities are monitored and that the success or otherwise of the crowd management is reported. Given the temporary nature of any permission gained, the crowd management operation can be reviewed using this information to determine whether a more permanent expansion of the stadium is appropriate. The proposals to increase the number cycle stands at the stadium are welcomed, and it is recommended that the use of these facilities is monitored to determine whether additional cycle parking provision is justified to meet any suppressed demand.

The Club has made a commitment to updating the existing Travel Plan and continuing to develop this as a 'living' document. Regular updates of the document will be needed and this should demonstrate how effective the adopted strategies are, and whether further action is needed to meet the stated travel targets. Following liaison with the Club, there is some reassurance that there is an understanding about how important Travel Plan measures are to the success of this temporary permission and the longer term stadium aspirations of the Rugby Club. The Travel Plan confirms that the Club's website and direct

email communication will be used to provide spectators with all of the necessary travel information. The success of this approach will form part of the Travel Plan review. The submitted Travel Plan includes a series of proposed targets, and the overall ambition to maintain or reduce car use levels is welcomed. It is recommended that the adequacy of these targets is reviewed, and in particular 'Target 1' is difficult to interpret as currently drafted. Given the importance of such targets, it is recommended that this review is undertaken before planning permission be granted. To ensure that the Travel Plan remains effective, the Club will need to be pro-active in liaising with the highway authority and other major event organisers such as both universities in the city and Bath Tourism Plus to anticipate and avoid potential clashes which may otherwise result in severe traffic congestion in the city. It will also be necessary for the Travel Plan co-ordinator to become involved with the regular forum that brings together local businesses and the local authority to manage travel demand in the city. The Travel Plan, and subsequent updates, will need to be secured as part of any permission, and the mechanism to secure this will need to be agreed.

A standalone Construction Management Plan has not been submitted as part of the planning submission. There are two sections within the Transport Assessment that consider the potential impact of the proposed construction activities, and both confirm that a Management Plan will be provided when the number of vehicles and contractor methods are known. The additional note received on 3rd June 2014 makes reference to the Transport Assessment but concludes that a Management Plan would not be necessary, however, further details of the construction methods are not provided. Given that this application is seeking to retain existing temporary stands and also to extend these facilities, it is considered that the applicant will need to submit a Management Plan to demonstrate how the potential impacts on the local highway and residents can be minimised.

Further to information from the applicant (received on 13th June 2014) the revised information provides some further clarification on comments made in relation to the Travel Plan, and it is also noted that a further revision of the Travel Plan will be submitted at the beginning of the season. To ensure that this is achieved, it is recommended that a condition is applied to any permission so that the revised Travel Plan has been agreed with the highway authority at least one week before the first home fixture of the 2014 / 15 Premiership Rugby season. The Travel Plan will need to include effective monitoring measures that consider traffic movement, bus usage and pedestrian activity (at the stadium and also on routes between the stadium and the city centre and rail / bus stations). In relation to the potential traffic impact of the proposal, it is acknowledged that it will not be possible to collect further data in advance of the 2014 / 15 season. However, given the scale of the stadium extension and potential for further future development, a review of traffic flow changes will need to be included as part of the Travel Plan. The submitted information suggests that the increase in traffic movements will be insignificant when compared against the total flow across all links in Bath. This is considered to be too simplistic and does not allow for any concentration of movement on specific links. It is recommended that link data through the forthcoming season is reviewed against the previously collected data on the main highway routes in / out of Bath. Furthermore, it is recommended that if a 5% (or more) increase is identified on any of those links, the need for further study at specific locations would be required. The precise detail of this requirement can be included within the next iteration of the Travel Plan. It is noted that use of the stadium cycle parking will be monitored, and this is welcomed. Details of the

additional pedestrian signing will also be provided within the next version of the Travel Plan. It is accepted that the detail of the coach / bus operations can be included within the next iteration of the Travel Plan. Monitoring of the bus use will need to form part of the Plan, and this should also include a review of the P&R services. The Club's liaison with the local bus operators is welcomed, and if not already done so, it is recommended that this is extended to include First Great Western (the local train operating company). Car sharing is mentioned within a header of the submitted Travel Plan, but no further details are provided. This section of the Plan will need to be updated. The latest submission suggests that further information relating to the crowd management within Brunel Square can be provided, and it is requested that this information is submitted. Additionally, it is reiterated that the monitoring of crowd movements at the stadium and on the main routes between the stadium and station / city centre will need to form part of the monitoring regime. The scope of this monitoring will need to be agreed. It should also be noted that this information would be needed to inform any future application should there be an aspiration to develop the stadium on a more permanent basis. The wording of Travel Plan 'Target 1' has been clarified. However, it is still unclear how this target could be monitored and this will need to be considered as part of the next Travel Plan revision. The submission of a Construction Management Plan is welcomed. It is noted that the construction vehicle access route uses third party land, and it is the applicant's responsibility to ensure that they have the land owner's permission to use this route for this purpose. In summary, the highway authority raises no objection to this temporary proposal, however, it is critical that the contents of the Travel Plan are fully agreed prior to the commencement of the 2014/15 Premiership Rugby season. There is no reason why discussions relating to the detail of the Travel Plan, and in particular the monitoring regime, should not continue to ensure that the document can be agreed within the required timescales. It is recommended that a condition is applied to any permission granted to ensure that this is undertaken.

Archaeologist

Whilst the current application includes some additions (seating and hospitality boxes) to the north, east and south stands, advice remains the same as that given for the previous applications. Whilst the proposed new seating is supported by an above ground frame structure, it will be supported on a number of new columns, the foundations of which could disturb archaeological deposits and therefore recommend that a 'watching brief' condition is attached to any planning consent.

Urban Design

The viewpoints demonstrate little additional visual impact to the current temporary stand arrangement in most views except for the view from North Parade Bridge by the hospitality boxes in the west extension to the south stand. This blocks an open view across the site and presents a blank elevation towards the river instead. It would be beneficial if this could be improved.

Arboriculturalist

The proposed site alterations and proposed elevations should not impact on any trees on and adjacent to the site. There is no arboricultural objection to the proposal.

Contaminated Land

It is noted that the site has been historically in-filled and part of the site was historically a Brass & Iron Works. It is also understood that due to the temporary nature of the

proposals that the stand does not require foundations. Recommend condition and advisory note are applied to any permission if granted.

Safety Advisory Group for Events (SAGE)

SAGE is a multi-agency forum that examines sporting venues that are governed by Safety at Sports Grounds legislation as well as major outdoor events as defined by the Council's Policy. SAGE has met with Bath Rugby and subject to calculations relating to the revised structures and a revision of the fire risk assessment we are happy with the club's proposals for revised layout and operation next season. In terms of pedestrian access issues to/around the ground, we would not expect the additional ground capacity increasing from 12,044 to 14,000 to have a significant detrimental impact on crowd access/egress. In addition the club will be able to use their existing crowd and flow-management strategies and contingency plans with some minor amendments. We are satisfied that the ground will load/unload and operate both safely and efficiently with the new capacity. Public Protection and Building Control also monitor operations and structures on a regular basis, as do Avon Fire & Rescue and SWAST (ambulance service).

Third Party Representations

22 letters have been received objecting to the application on a combination of procedural and planning grounds as well as matters relating to the professional status of the Club and the terms of a lease on the land and a Lands Tribunal decision (currently the subject of an appeal). Objections relating to procedural grounds concern the scope of the application, information contained on the application form and on submitted drawings, inconsistencies between application documents, and difficulties in viewing the application documents on-line or at Lewis House.

Officer Note: Concerns regarding viewing the application documents have been addressed, and issues relating to the form and content of the application (where relevant) have been addressed through the submission of supplementary information or clarifications by the applicant. These have been made available on the Council's website and are not considered to be grounds for deferral or refusal of the current application. In terms of the status of the Club and the principle of its occupation of the site (as well as the extent of this including the specific issue of the East Stand extension over-sailing the existing lease boundary), these are matters to be resolved between the Club and Recreation Ground Trust and are not material planning considerations in the determination of this application nor grounds for refusal or deferral of a decision on the application.

Objections on planning grounds are that:

- There has been a 47.5% increase in seating capacity and 2.9m increase in height of the East Stand since 2010 resulting in an increase in visibility of the stand from Grand Parade over the Recreation Ground and the distant Bath stone buildings on Pulteney Road as well as loss of views of the city and the countryside, further restrict essential views from both the West and East facing directions and compromise the World Heritage setting for the site.
- The Rec has become the defining urban space for Bath and thus is a significant element in the outstanding universal value of the World Heritage Site.
- The increase in capacity will lead to an increase in noise and disturbance to neighbours both pre- and post-match, additional heavy goods vehicles in the days leading up to

matches, an increase in vehicle congestion and on-street parking, and an increase in pollution.

- No proposals are made to reduce or eliminate the noise and nuisance emanating from the loudspeaker system on match days.
- The application proposes no solution to the additional cars that would travel and park up on match days.
- The overhang of the East Stand will limit and impede the playing of other sports and activities during the prescribed months and is a flagrant attempt at land creep.
- The proposed North Stand would overhang a public right of way.
- The Planning Application does not specify that the temporary stands WILL be totally removed for a period of three consecutive months every year.
- No proposals are made for the West Stand, which is left unaltered and is a public disgrace.

A letter has been received from an existing sports user of The Rec (Bath Lacrosse Club) expressing concerns regarding the timing of the construction of the East Stand and potential clash with an annual tournament at The Rec. Officer Note: It is understood that the Rugby Club has given assurances regarding the removal of equipment from the site and protection of the ground to enable the event to take place.

339 letters of support have been received to the application on the following grounds:

- economic benefit to the city of the Club being at the Recreation ground and from additional spectators
- support for additional capacity during Clubs 150th year
- general support for the continued presence of the Club at The Rec

11 letters of general comment on the application and the need for a long-term solution have also been received.

Bath Preservation Trust - no objection to extending the hospitality boxes and the siting of temporary stands for up to 2 years. However we find the positioning of flags along the roof to add unnecessary clutter. Clarification is required about the permanence and seasonality of these flags. In the interested of the visual amenity value of the area the flying of flags ought to be restricted to match days and events.

POLICIES/LEGISLATION

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

D.2 - General design and public realm considerations

D.4 - Townscape considerations

SR.1A - Recreational open space

SR.4 - Proposals for recreational facilities within urban areas and settlements

NE.14 - Flood risk

BH.1 - World Heritage Site

BH.2 - Listed Buildings and their settings

BH.6 - Development affecting Conservation Areas

BH.9 - Parks and gardens of special historic interest

BH.15 - Visually important open spaces

NE.1 - Character and local distinctiveness of the landscape

NE.4 - Impact on trees and woodlands

T.24 - Highway safety

Draft Core Strategy (March 2013)
Policy B1 - Bath Spatial Strategy
Policy B4 - The World Heritage Site and its setting
Policy CP5 - Flood Risk Management
Policy CP6 - Environmental quality

NPPF

Paragraph 70 states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities ... sports venues ... and other local services to enhance the sustainability of communities and residential environments. Paragraph 73 notes that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

With regard to conserving and enhancing the historic environment the NPPF (paragraph 128) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

OFFICER ASSESSMENT

MAIN PLANNING ISSUES:

- Principle of development
- Impact on the Conservation Area/World Heritage Site/setting of listed buildings
- Flood risk
- Transport and access
- Neighbour amenity

PRINCIPLE OF DEVELOPMENT: Bath Rugby Club is developing plans to provide a permanent stadium at The Rec however no application has been submitted and this application is submitted to provide a temporary, interim solution. The stands and spectator facilities proposed as part of this application are required to comply with standards set by the Professional Game Board in respect of Premiership club grounds and will enable Bath Rugby to continue to play at The Rec. The proposals comprise the retention of previously approved temporary stands beyond the expiry dates of existing permissions, as well as allowing for an increase in capacity from approximately 12,000 to 14,000 to meet demand for tickets and accommodate an expected increase in spectator numbers during the Club's 150th year anniversary during the 2015-2016 season.

The Recreation Ground is a recreational open space and Policy SR.1A of the Adopted Local Plan (2007) seeks to resist development that results in the loss of any playing fields or recreational open space unless certain criteria are met. One criterion is that the proposed development is for a sports facility with at least equal benefit to the development

of sport that outweighs the loss of the existing or former recreational use. In this case the use of part of The Rec by Bath Rugby retains a sporting use on the site and the remainder of The Rec will remain as playing fields for general use by other sports and the public. It is acknowledged that the proposed development will involve the loss to general public use of the land occupied by the Club, however the presence of a Premiership team is a major sporting facility in the city and promotes sporting activity to the benefit of both players and spectators. The Club's location within the city contributes to the local economy, and the retention of the club within Bath represents a material consideration in the determination of the current application. Although the proposed development will involve the loss of part of the playing field area (for three-quarters of the year) it is considered that this is outweighed by the benefits provided by having the rugby club in this location.

Policy SR.4 of the Local Plan supports the development of new facilities and the enhancement or improvement of existing sporting facilities, subject to developments meeting a number of criteria. These include that the development complements the existing pattern of recreational facilities; is readily accessible by transport modes; there would be no adverse impact on public safety; and that the amenities of neighbours would not be adversely affected. Whilst the proposed stands will occupy part of The Rec for nine months of the year, it represents a recreational use and on the evidence of previous seasons does not prejudice other recreational uses or the hosting of sporting events such as the Bath Half Marathon. The response from Bath Lacrosse Club indicates that this can be achieved with close liaison between Bath Rugby and other users of The Rec. The site is located in the city centre and close to a range of existing public transport services, and the Club also operates a range of measures aimed at encouraging non-car modes of transport to the site. The Council's Safety Advisory Group for Events has advised that it has no objections in respect of public safety.

Whilst the increase in the number of spectators from approximately 12,000 to 14,000 can be anticipated to give rise to additional crowd noise during matches (as well as from the additional people arriving at and leaving the ground), it is noted that there will be no change to the public address system or floodlighting at the ground. In addition the Council's Environmental Health officers liaise with the Club regarding noise from the public address system. Accordingly whilst there are likely to be increased numbers of spectators at the ground, the level of change is unlikely to give rise to significant harm to adjoining residents. The proposed stands and Control Tower will have a marginal impact on views into the ground from locations around the ground however these are not considered to represent public safety or amenity issues.

In respect of the spatial strategy for Bath, Policy B1(8) of the Draft Core Strategy states that "At the Recreation Ground, and subject to the resolution of any unique legal issues and constraints, enable the development of a sporting, cultural and leisure stadium." This current application does not propose a long-term solution for the ground, however as an application for temporary planning permission neither does it prejudice proposals coming forward in the future.

In considering the principle of the proposal for temporary additional capacity it is also relevant to note that there is an extant planning permission for the existing temporary seating in the East Stand. The proposals would increase seating in the East Stand by adding 5 rows of seats, and objection has been raised to the principle of development on the basis that the additional rows of seats will over-sail the Club's existing lease boundary

on The Rec. On this point, the current proposal would utilise the same footprint on The Rec as the existing East Stand with any over-sailing of the lease boundary being a matter to be resolved between the Club and Recreation Ground Trust and is not a material planning consideration in the determination of this application. In the case of the proposed retention/extension to the North Stand, proposed hospitality boxes adjacent to the existing South Stand and seating and Control Room in the West Stand, these would all be within the Club's current lease boundary.

The Council has previously approved temporary stands at the ground with a condition requiring their removal during the off-season (13 weeks from 21st May each year) and it is considered appropriate that should be permission be granted for the development proposed in the current application that a similar condition is imposed.

In conclusion it is considered that the provision of temporary stands including additional seating capacity complies with Policy SR.1A and SR.4 of the Adopted Local Plan (2007) and the principle of development is acceptable.

IMPACT ON THE CONSERVATION AREA/ WORLD HERITAGE SITE/ SETTING OF LISTED BUILDING/OPEN SPACE: The primary consideration in terms of the historic environment is the duty on the Council under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding Conservation Area. There is also a duty under s.16 of the same Act to have special regard to the desirability of preserving the setting of listed buildings. The NPPF requires that as part of decision-taking process local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and should avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

The application site is in a prominent location within the city and together with the other key historic assets in the vicinity forms an integral part its historic environment. The Rec site is situated within the heart of the City of Bath Conservation Area and wider UNESCO World Heritage Site, and The Rec itself contains three Grade II listed buildings, a former lime kiln that is located within the Club's operational area (referred the 'President's Lounge'), an Entrance Kiosk and gates to The Rec at the end of William Street, and the Pavilion on North Parade Road. In addition The Rec is framed by, and contributes to the setting of, the following significant historic assets:

- Argyle Street (Grade II* listed), Johnstone Street and Pulteney Street (all Grade I listed) to the north
- Parade Gardens (Registered Park and Garden of Special Historic Interest) and Grand Parade (Grade II listed) to the west
- North Parade bridge (Grade II listed) to the south
- Grade II listed villas along Pulteney Road to the east

The Rec and related heritage assets also contribute to important vistas within the World Heritage Site such as the views from Grand Parade across The Rec towards Bathampton Down and Sham Castle, from within The Rec towards Bath Abbey and longer distance views into the city from higher ground such as Alexandra Park/Beechen Cliff and Bathwick Fileds. The site also lies within the flood plain and may contain archaeological features of interest.

The existing permanent stands are of limited architectural interest or value, are relatively low key and considered to have a neutral visual impact on the site and its surroundings. Their scale and the screening provided by tree planting along the river means that the rugby ground generally has little presence, especially on non-match days. The existing temporary East Stand however is clearly visible from a number of locations, although it should be noted that in approving an extension and increase in height to the stand in 2010 it was concluded that the scale of development would not have a significant or adverse impact on the historic environment. Whilst the stand was of a temporary nature and appearance, and would not be considered to be appropriate on a permanent basis, it was concluded that the stand would preserve the character and appearance of the conservation area and would not harm the World Heritage Site. The current application seeks permission for the retention of the previously approved East Stand for a two year period and also to increase the seating capacity by adding five rows of seats. The additional seating would increase the height of this structure by 1.25m. The East Stand (as already approved) is already visible when viewed from Grand Parade and the increase in height will be noticeable above the existing West Stand however it is considered that the effect on views across The Rec (and back towards the Abbey) will be marginal with the main vistas and backdrops to the views maintained.

The proposed extension to the North Stand would bring development closer to the Grade II listed President's Lounge by approximately 5m (from 10m to 5m) and impinge on the setting of this building. The proposed extensions would also be at an increased height. However there is a degree of separation between the listed building and the temporary stand and it is considered that the level of harm is less than significant. English Heritage have not raised objection to or commented on this aspect of the proposals. The safety guard rail at the top of the stand would be visible from Johnstone Street however views across the ground would be largely maintained and the impact on the setting of the Grade I listed buildings is considered to be acceptable.

The proposed hospitality boxes adjacent to the existing South Stand would be seen from the north against the existing Leisure Centre and the western extension would be visible from North Parade Bridge although it would be partially screened by trees outside the site. Whilst the proposed western extension to the South Stand will impinge to a degree on views from North Parade Bridge (across the ground towards Johnstone Street and Great Pulteney Street) views across the ground will be maintained and the impact is not considered to be significant.

No changes are proposed to the previously approved open and covered seating on the west side of the ground and views along the river would be largely preserved. A Control Room will be erected adjacent to the North Stand however trees along the river, which will not be affected by the proposed development, screen this view and therefore whilst visible during winter months the proposals are not considered to have a significant impact.

In addition to numerous locations locally within the city centre the site is visible in longer distant views towards the site from elevated positions of the surrounding hills to the south and to the east. Notwithstanding this general visibility the proposed increase in height of the North and East Stand would not significantly detract from views. Accordingly whilst the site and its setting is clearly acknowledged as sensitive and the proposed development will have an impact, the conclusion drawn is that the impacts are not

significant. Overall it is considered that the magnitude of changes are limited and localised and the setting of listed buildings as well as the character and appearance of the surrounding Conservation Area will be preserved.

English Heritage have not objected to the planning application and concerns expressed regarding the extension to the South Stand and its impact on the perceived openness of The Rec within the conservation area have been taken into account in assessing the proposed development. Concerns regarding this element of the scheme by the Council's Urban Design officer have also been reviewed and it is considered that as a temporary structure only the scheme is acceptable. It is considered that the location of the Control Tower will have a marginal impact on views across the site.

The Council's Historic Environment team note that the temporary proposals will undoubtedly have an impact on heritage assets, but this is considered to be less than substantial. Paragraph 134 of the NPPF states 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." They consider that there are considerable public social and economic benefits for the city derived from the scheme and that these outweigh the less than substantial harm caused by the proposed temporary works. They consider that further details should be sought for the proposed new structures adjacent to the river, alternatively conditions should be included, requiring such information. Provided the design of these structures is deemed to be satisfactory they conclude that temporary permission can be granted for the development. The applicant has provided further information regarding the design of the structures and it is considered that whilst utilitarian in design and materials, as temporary structures they are acceptable.

The Council's Archaeologist has advised that a 'watching brief' be undertaken during construction should any foundations of the structures disturb archaeological deposits and a condition is proposed to this effect.

FLOOD RISK: The Rec falls within Zone 3 of the Environment Agency Flood Zone Map, with part designated as Zone 3b 'functional floodplain'. In the NPPF Technical Guidance (Table 2: Flood risk vulnerability classification) the proposed stands represent sports and recreation and essential or ancillary facilities and are considered to be 'water compatible' development. A FRA has been submitted for consideration and the Environment Agency have advised that its contents are acceptable and that the proposed development would not increase flood risk or storage capacity. In addition, operational access to the Radial Gate (which forms part of the River Avon flood alleviation measures) will be maintained. The Environment Agency proposes a condition to ensure that the development takes place in accordance with the approved details of the FRA and that the access is maintained. In addition, a flood evacuation plan should be developed for the site to ensure safe access and egress can be provided at all times and on this basis the Environment Agency have raised no objections to the proposed development.

TRANSPORT AND ACCESS: The Rec is located within the centre of Bath and readily accessible by a variety of means of transport. Accordingly the site is considered to be in a sustainable location and the Council's Highways Development Team does not object to the principle of the development at this location. However, given the existing pedestrian access limitations and also the potential for a wider impact on the Bath transport network

they consider that a full assessment of the impacts is necessary, including during construction. The applicant has submitted a Transport Assessment (TA) and Travel Plan (TP) which aim to quantify the potential impacts and promote mitigation measures where deemed to be necessary.

The proposed increase in capacity at the ground will result in an increase in vehicle trips to and within the city by a number of different modes. Based on existing patterns of travel to the ground by spectators the TA estimates that the 2,000 increase in capacity will give rise to an additional 374 car trips to the city as a whole, 217 excluding those using Park and Ride which are located at the edge of the city and therefore are less likely to involve trips through the city centre. Based on existing trips this is less than 0.5% of daily vehicle numbers and 1% during the peak hour. Whilst no assessment of junction capacity has been undertaken as part of the TA it is considered that the scale of change is small and unlikely to have a significant effect on key junctions. Parking in the city centre is constrained and the TA assumes that parking of additional cars will be principally at Park and Ride sites where there is some spare capacity plus some additional on-street parking and other private arrangements as existing.

In terms of public transport, a number of spectators travel by train and due to capacity constraints on certain services and to discourage additional trips by car the Club is proposing to provide dedicated coach services for spectators. This approach is welcomed and will be secured through the TP. Around the ground the Club provides stewards to assist in the management of spectators and also operates an access system that directs spectators to the relevant gate for their seat in the ground to reduce pressure on particular locations.

It is considered that the issues raised by the Highway Development Team have been satisfactorily addressed and that subject to a condition regarding details and implementation of measures within the Travel Plan the scheme is acceptable in transport terms.

RESIDENTIAL AMENITY: The application would result in an increase in ground capacity of around 2,000 spectators and this may result in an increase in crowd noise during matches at the ground. The closest neighbouring properties to the ground are located in Johnstone Street and particular concerns have been raised about the use of the public address system during matches. No additional speakers are proposed as part of the current application and use of the system is subject to control and agreement with the Council's Environmental Protection team and this will continue to be monitored. The increase in capacity is likely to extend the period over which spectators arrive at and leave the ground however this is not anticipated to be significant and the crowd management measures operated by the Club seek to mitigate the local impacts. In the circumstances the proposed development is considered to accord with Policy D.2 of the Local Plan in that significant harm to the amenities of neighbours is unlikely to result from the development.

OTHER MATTERS: The development proposed is for a temporary two year period. Government guidance in respect of temporary permissions advises that where a proposal relates to a building or use which the applicant is expected to retain or continue only for a limited period and where it is expected that the planning circumstances will change in a particular way at the end of that period, then a temporary permission may be justified. In this case the Club is developing a permanent solution for the site. Any such application

will need to be considered on its own merits and should planning permission be granted for the current scheme for a temporary two year period this would not prejudice or preempt the consideration of a permanent scheme for the site. However it is reasonable to anticipate that the planning circumstances of this case will be different at the end of the proposed two year period and therefore a temporary permission is considered to be justified.

Objection has been received from a number of people relating to the lease on the land, its validity and extent relative to the proposed development. Issues relating to the Charity Commission and Lands Tribunal are not material planning considerations to be considered in the determination of this application.

CONCLUSION: The proposal to accommodate stands for the Rugby Club at The Rec is considered to offer at least equal benefit to the development of sport such as to outweigh the continued (partial) loss of the playing field and the development therefore accords with Policy SR.1A of the Local Plan. The application has been supported by a landscape and visual impact assessment and it is considered that this demonstrates that the impact of the proposals on views into and out of the city would be marginal. It is considered that the character and appearance of the Conservation Area and World Heritage Site and any harm to setting of adjacent listed buildings would not be significant. The increased capacity at the ground will result in additional vehicle movements into the city and around the ground, and may also increase noise generation however this is considered unlikely to give rise to significant harm to the amenity of neighbouring properties or across the city centre.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 This permission shall expire on 3rd July 2016 and the temporary seating, hospitality boxes and other structures hereby approved shall be removed and the land/premises reinstated on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority in discharge of this condition prior to the expiry date.

Reason: To allow review of the impact of the temporary stands on this sensitive site and to consider developments in respect of a more permanent solution.

2 The temporary seating, stands and hospitality boxes hereby approved shall not be erected on site for more than 39 weeks in any one season. The structures shall be entirely removed from the site on or before 21st May each year or such other date as has been notified to the Local Planning Authority in discharge of this condition, not less than three months prior to 21st May each year and agreed in writing by the Local Planning Authority prior to 21st May each year.

Reason: In the interests of the character and appearance of this open space within the Conservation Area and World Heritage Site and within the setting of listed buildings.

3 Following the removal of the East Stand at the end of each season the reinstatement scheme for the area underneath the East Stand shall be to a level grassed state by use of grass seed, or if necessary grass turf, or such other scheme as may be submitted to and approved by the Local Planning Authority in discharge of this condition not less than three months before the 21st May each year. The reinstatement scheme shall be commenced within 7 days of 21st May each year or such other date as agreed under Condition 2 and be completed as soon as reasonably practicable after that date.

Reason: In order to ensure that the land under the area covered by the stand is capable of being reinstated to an appropriate condition in order to ensure the continued use of the Recreation Ground for all of its users and in the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

4 The East Stand hereby approved shall only be used with the green double layered screen fabric in place on the rear of the stand.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

5 The temporary seating hereby approved shall match the existing green seating which is in use at the ground.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

6 The on-and off-site access requirements associated with the erection and dismantling of the temporary stand, (including reference to timing of vehicle movements, to maximum vehicle sizes, and to any other material considerations) and all access to and from the site in connection with the erection and dismantling of the stands shall be in accordance with the submitted Construction Method Statement Construction Management Plan (Demountable Seating) Revision 01 dated June 2014.

Reason: In order to ensure that access arrangements are satisfactory, having regard to the nature of adjoining properties within this part of the Bath Conservation Area and World Heritage Site.

7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated May 2014 and the following mitigation measures detailed within the FRA:

- All temporary stands shall have sufficient voids in the scaffolding to allow the passage and storage of floodwater and should be kept clear of debris at all times;
- The development shall be occupied in accordance with the Flood Evacuation Plan for the site dated September 2010.

Reason: To minimise any impact on flood flows, to reduce the risk of flooding from blockages, and to ensure safe access/egress from and to the site.

8 Clear unobstructed access shall be provided at all times for a large crane to access Pulteney Gate in an emergency, as detailed on the drawing entitled 'Autotack analysis 100

tonne crane' (drawing no. BHC-XXX-XX-9008). This route shall be kept free of any obstructions and shall include a clear space of 3500mm wide by 4400mm high to the rear of the north stand.

Reason: To ensure unimpeded access for the Environment Agency to the Pulteney Gate structure in the event of an emergency.

9 Prior to one week before the commencement of the 2014 / 15 Premiership Rugby season, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

10 The development shall take place in accordance with the Written Scheme of Investigation for an Archaeological Watching Brief (Cotswold Archaeology dated 17 June 2010).

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

11 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. Contamination may be indicated by soils that have unusual characteristics such as: unusual colour, odour, texture or containing unexpected foreign material.

Reason: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

12 This permission relates only to the East Stand (temporary seats), North Stand (temporary terrace and seats), South Stand (temporary hospitality boxes) and West Stand (temporary seats and Control Room) as shown on the submitted drawings and does not convey consent for any other development shown on the submitted drawings including any flags/advertising.

Reason: In order to clarify the terms of the permission.

13 The development/works hereby permitted shall only be implemented in accordance with the plans and dimensions as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

14.1571.L(0)01; PL01; PL02; PL02A; PL03; PL04; PL05 Rev. A; PL06; PL07; PL08; PL09; PL10; PL11; PL12; PL13; PL14; PL15; PL16; PL17; PL18 Rev. A; PL19; PL20 Rev. B; PL21

Decision Taking Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in the case officer's report, a positive view of the proposals was taken and consent was granted.

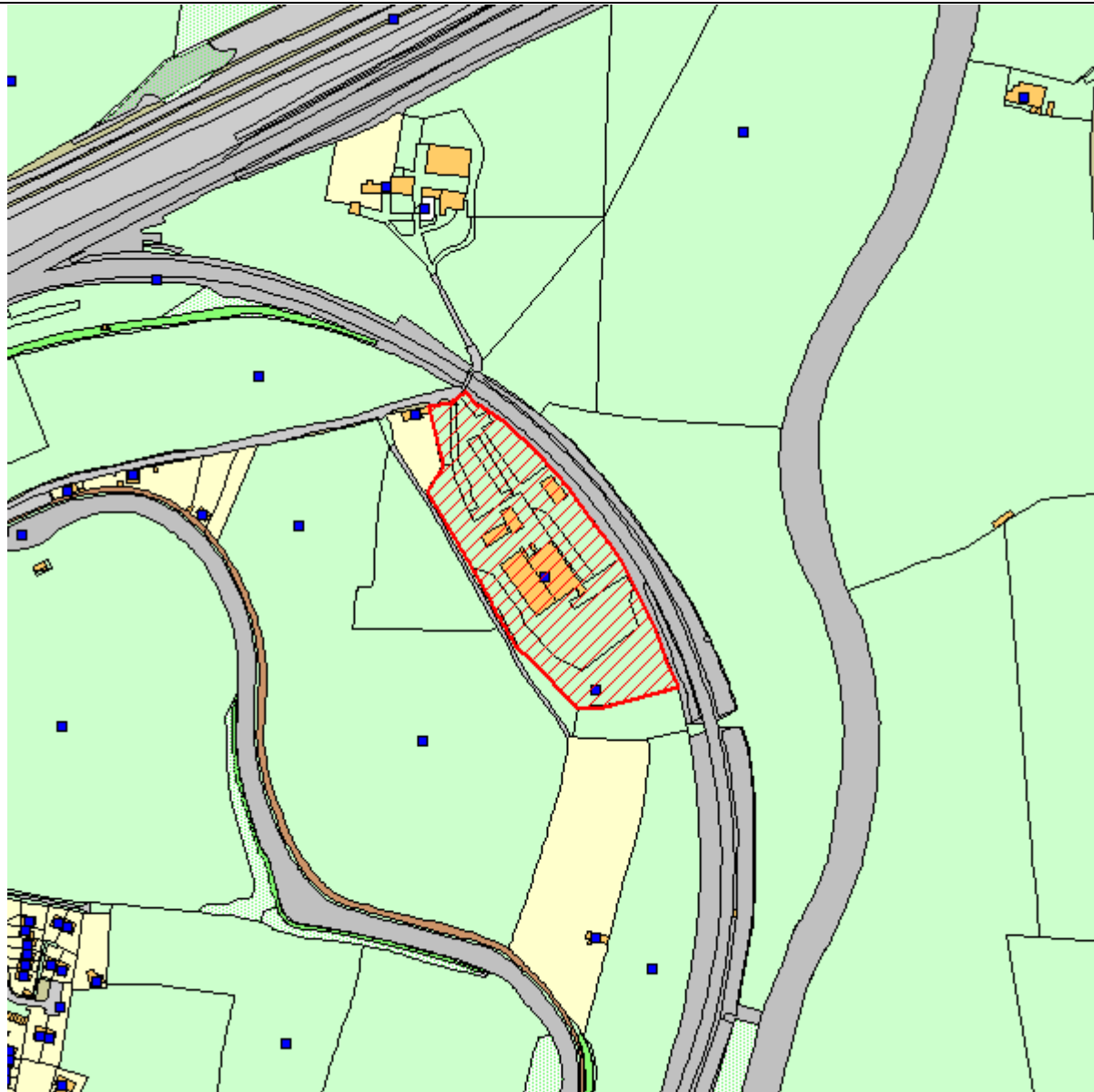
Advisory Note 1. Desk Study and Walkover

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development. It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties.

The applicant is advised that the Council's Code of Practice to control noise from construction sites should be fully complied with which can be found at the following web-link;

<http://www.bathnes.gov.uk/BathNES/environmentandplanning/Pollution/PollutionConstruction.htm>

Item No:	02
Application No:	13/04710/OUT
Site Location:	The Old Timber Yard Tynning Road Bathampton Bath BA2 6TQ



Ward: Bathavon North

Parish: Bathampton

LB Grade: N/A

Ward Members: Councillor M Veal Councillor Geoff Ward

Application Type: Outline Application

Proposal: Outline planning application with all matters reserved, except means of access, for a residential development (15 units) following the demolition of existing buildings with associated parking, landscaping and ancillary works and relocation of mast.

Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas,

Applicant: Davies Street (Bathampton) Ltd

Expiry Date: 29th January 2014

Case Officer: Richard Stott

REPORT

REASON FOR PRESENTING TO COMMITTEE

This application has been referred to Committee by the Divisional Director - Development under the terms of the adopted Scheme of Delegation as the proposed development relates to a site that is in an area that is being considered as an option for a Park and Ride, possibly involving rail, in the amended Bath Transport Package.

THE APPLICATION

This application relates to a site measuring 1.98ha located on the valley bottom to the east of Bathampton close to the Bristol/London railway, the River Avon and the Kennet and Avon Canal.

The site has a permitted use for B8 storage and distribution and is used by a number of businesses. The majority of the site is hard standing with several large industrial units centrally located. The western border of the site is bounded by a row of tall poplar trees.

Outline permission with all matters reserved, except the means of access, is sought for the residential redevelopment of the site for 15 units with parking, landscaping and ancillary works following the demolition of the existing buildings. The application also proposes the relocation of the existing phone mast.

EIA SCREENING

This proposal has been screened however the level and type of development does not fall within Schedule 1 and falls below the threshold in Schedule 2 of the regulations; as such no screening opinion is required.

RELEVANT HISTORY

13/05491/FUL - Construction of new access road with passing bays to former Jewson Yard and Bathampton Farm to enable Glass accommodation crossing (railway level crossing) to be closed to vehicular traffic - PERMIT

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION:

HIGHWAY DEVELOPMENT: Object

Objection based on the site location remote from services contrary to policy T.1 and the use of a substandard access, contrary to T.24. In the event that permission is to be granted, the sum of £50,057.00 is required in order to improve street lighting along Tynning Road. Conditions are also recommended.

EDUCATION SERVICES: Comments

If permission is granted the sum of £76,096.85 is required towards schools and youth provisions in the area.

HIGHWAY DRAINAGE: Comments received relating to the proposed drainage strategy

ENVIRONMENT AGENCY: No Objection subject to conditions

LANDSCAPE ARCHITECT: No Objection subject to conditions

HOUSING SERVICES: No Objection subject to obligations tied by s.106 agreement. The following comments are made:

Courtyard parking can generate housing management and services charge issues.

'In-curtilage' parking is required allowing for appropriate visitors parking.

The 'car port' proposal lends nothing to the scheme design, is generally urban in nature and will attract potential management and maintenance issues.

Garden sizes are inconsistent. Specifically, plot 15 lacks space, is north facing and will be over shadowed by the tree-lined boundary when mature.

The affordable dwellings do not benefit in the same way as the market housing from solar gain. Solar gain helps to minimise heating cost to the affordable tenants. The orientation of the affordable dwellings should therefore be adjusted.

Tenure blindness is promoted by the use of materials and relationship between rooflines on the semi detached blocks. The use of stone walling throughout the site promotes consistency in design although other fencing / boundary treatments for the affordable homes creates a clear distinction between them and the market houses.

The layout and density of the affordable homes does not promote tenure blindness and it is suggested that movement of the boundary between the two elements is considered. This will provide a greater area for the delivery of the affordable homes which will allow realignment of the homes to maximise solar gain, provide in curtilage parking while providing the appropriate sweep for refuse etc. vehicles and improve garden sizes.

The site plan shows a significant level of tree planting in the dividing hedge which is not reflected elsewhere on the development and suggests a design attempt to segregate the two elements of the development. This is not supported. The aerial views do not show a difference in hedgerow planting and demonstrate a consistent approach to landscaping that supports the promotion of tenure blindness.

The design should meet Secure By Design requirements and inclusion of the footpath link between the affordable and open market element on the site guided by this. If removal of the pedestrian link is required to achieve SbD and better the layout of the affordable housing element this will not be opposed.

(CASE OFFICER NOTE: The above comments relate to details of the layout which is a reserved matter, the above comments will be more relevant at the RM stage and the developer is encouraged to consider these in the final design of their scheme).

PLANNING POLICY: No Comments Received

AVON AND SOMERSET POLICE: Comments:

Care needs to be taken in relation to the 'footpath' adjoining the two elements of the layout. Surveillance of this path is by two properties Plot 8 and Plot 9, however only Plot 9 directly overlooks the path. It would help if the developer can ensure additional surveillance is possible from occupied rooms in Plot 8. This path would need to be lit by street lighting and any landscaping to be kept low.

The situation is similar, if not slightly worse in relation to the footpath between the two sections of market units. Surveillance is limited to Plot 7 and therefore similar implications concerning habitable rooms and lighting need to be considered at reserved matters stage.

The Affordable Housing Statement declares that the affordable housing will be tenure blind and also meet level 3 Code for Sustainable homes. In order to achieve both of these all of the properties would need to be Secured by design Part 2.

There shouldn't be any reason why the whole site couldn't be certificated as Secured by Design and would welcome consultation with the developer in order to achieve this as the development progresses.

(CASE OFFICER NOTE: The above comments relate to details of the layout which is a reserved matter, the above comments will be more relevant at the Reserved Matters stage and the developer is encouraged to consider these in the final design of their scheme).

ARBORICULTURE: No Objection subject to conditions

The most prominent trees on the site at present are the mature Lombardy Poplars. Whilst these are dominant in the immediate landscape I concur with the assessment in the tree survey and report that they have outgrown their useful life and therefore have limited remaining integral value to offer.

The retention of the poplars within the proposed development, although achievable, would be impractical in the context of proximity to and integration within the setting of domestic dwellings.

BUILDING CONTROL: Comments:

The access roads to these properties should be at least 3.7 metres wide to allow access for the fire brigade

ENVIRONMENTAL HEALTH: No Objection subject to conditions

CONTAMINATED LAND: No Objection subject to conditions

BATHAMPTON PARISH COUNCIL: No Objection but reservations received:

- Visual improvement to the site
- Concern that the site is geographically separate from the village.
- Affordable housing should be better mixed
- No clarity over the management of the affordable housing.
- Affordable housing should be tied to families with a local collection
- Walking/cycling options are optimistic.
- Street lighting should not intrude in the Green Belt

- Changes required to Tynning Road.
- Consideration should be given to flood mitigation
- Consideration should be given to the relocation of the food bank
- Infilling development between this site and the village would not be supported.

REPRESENTATIONS:

3 x "Objections" received raising the following:

- Proximity to rail crossing - safety issue
- Congestion
- Loss of employment opportunities
- Emphasis of Bathampton as a dormitory village
- Loss of the poplar trees which are a local landmark
- No need for development in the Green Belt
- Not an allocated site or in the Core Strategy
- Impact on visual amenities of adjoining residents

4 x "General Comments" received raising the following:

- Misrepresentative transport figures
- Passing places should be included
- Bath food bank located on the site and will need to move when permission is granted. Can the developer or B&NES help in finding an alternative premises?

Officer Note: The comments of the food bank are noted however it is not within the remit of the planning department to find alternative premises. The third party would need to discuss this issue with the current land owner.

POLICIES/LEGISLATION

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

ET.1: Employment Land Overview

ET.3: Core Employment Sites

ES.15 Contaminated Land

HG.1: Meeting the District housing requirement

HG.4 Residential Development in the urban areas and R.1 settlements

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)

GB.1: Control of development in the Green Belt

GB.2 Visual amenities of the Green Belt

NE.1: Landscape character

NE.2 Area of Outstanding Natural Beauty

NE.10: Nationally important species and habitats

NE.11: Locally important species and their habitats

NE.12: Natural features: retention, new provision and management

T.1: Overarching access policy

T.24: General development control and access policy

T.26: On-site parking and servicing provision

DRAFT CORE STRATEGY, MAY 2011

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes.

Consideration has been given to the Draft Core Strategy however only limited weight can be attached to this document until it is formally adopted. The level of weight the Council attaches to the amended Core Strategy in the determination of planning applications is in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

The following policies of the Draft Core Strategy are applicable to this application:

RA1 Development in the Villages meeting the listed criteria

CP2 Sustainable Construction

CP6 Environmental Quality

CP8 Green Belt

CP9 Affordable Housing

CP10 Housing Mix

CP13 Infrastructure Provision

ET.4 Employment development in and adjoining rural settlements

ET.5 Employment development in the 'countryside'

Planning Obligations Supplementary Planning Document - Adopted July 2009

Landscape - Character Assessment - Rural Landscapes of Bath and North East Somerset

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, 2012

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.

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)".

With regard to the NPPF, consideration has been given to paragraphs 47 and 49 in respect of the delivery of housing as well as to paragraph 14 in respect of promoting sustainable development. Due consideration is given to Chapter 9 (Protecting Green Belt Land).

NATIONAL PLANNING PRACTICE GUIDANCE, 2014

Due consideration has been given to the recently published NPPG, March 2014 particularly in respect of the guidance relating to Rural Housing, the Landscape and the Historic Environment.

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT

The site is located outside the adopted development boundary and ordinarily therefore, the proposals would be recommended for refusal as being contrary to the Local Plan policies SC.1 and HG.4 and to draft Core Strategy policy RA1.

As part of its work on the emerging Core Strategy the Council considers that it has a 5 year supply of deliverable housing land against the emerging Core Strategy requirement of around 13,000 homes. The Core Strategy Examination Inspector has agreed, through his note ID/44, that the strategic housing requirement is around 13,000 homes or less. However, the Inspector has not yet considered 5 year land supply issues which remain subject to significant unresolved objections. In accordance with NPPF, para 216 only limited weight can be attached to the 5 year land supply position. The Council has also accepted that the Adopted Local Plan is out of date and the Core Strategy has yet to be adopted.

Taking into account the guidance in the National Planning Policy Framework (that LPA's should meet the housing needs in their areas, and have up-to-date plans) at present housing applications are to be considered against the guidance in the National Planning Policy Framework, with a presumption being applied in favour of sustainable development (paragraph 14), the assumption being that such applications should be approved unless the adverse impacts of development significantly and demonstrably outweigh the benefits. Taking this into account, the adopted Housing Development Boundary carries little weight in the determination of the application.

In respect of this application, given the current use of the site, its status as "brownfield" land, the comments received by consultees and a full assessment of the site it is considered that the adverse impacts of this scheme are on balance limited and the redevelopment of the site would have a neutral impact on the landscape.

Whilst it is noted that paragraph 14 of the NPPF may not apply on certain sites where specific policies in the Framework indicate development should be restricted - namely sites in the Green Belt and the Area of Outstanding Natural Beauty - as will be discussed later in this report, notwithstanding the designations covering this site it is considered that the proposed redevelopment of this site does not conflict with National policy and as such the scheme accords with paragraph 14.

On balance, noting the limited weight that can be attached to extant and emerging local policies, the principle of development in this instance is considered to be acceptable.

APPROPRIATENESS OF THE DEVELOPMENT IN THE GREEN BELT

One of the central threads of the NPPF is the preservation of the Green Belt and resistance of new development that conflicts with the aims of the Green Belt (namely

preserving protected land from urban sprawl). This view has been echoed in multiple appeal decisions over recent years and confirmed by Ministerial statements.

It is noted that the proposed development does not strictly accord with the extant local policy position in respect of the Green Belt however as stated, only limited weight can be afforded to the local plan due to the unresolved issues surrounding the Council's housing land supply. Furthermore, the wording of Policy GB.1 does not fully follow the wording of the NPPF and in this regard raises a level of inconsistency; as stated previously in this report, the degree of weight that can be afforded to extant policies is dependent on the degree of consistency with the NPPF and as such the NPPF is taken as the primary decision making tool in respect of this scheme.

With regard to the NPPF, at paragraph 89 it states that the construction of new buildings should be regarded as "inappropriate" (and therefore by definition harmful) except for certain exceptions, one of these being "the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the green belt and the purposes of including land within it than the existing development".

In respect of this application it is not contested that the site is previously developed land and thus the above test of paragraph 89 applies. Whilst it is noted that the current buildings are centrally clustered and thus the overall site coverage is lower than the proposed development, given the scale of the current buildings and their utilitarian form it is considered that, aesthetically, the proposed development will have a more dispersed and thus far softer appearance within the landscape. In terms of the pure statistics of this scheme, the proposed development will result in a total built volume on site of 12,650m³, a 12% reduction in volume over the current buildings which total 14,340m³. At present the existing buildings range in height from 4.8m to 6.2m to the eaves and 8.3m to 9.8m to the ridges. By contrast, the proposed development eaves will not exceed 5.2m and the total building heights will not exceed 8.7m. In addition to the reduction in built mass and height, the proposed development will increase the total level of soft landscaping and permeable surfaces across the site by 560% from 2,360m² to 13,250m² and decrease the total amount of hard-standing area by 73% from 15,210m² to 4,340m².

Overall it is considered that the proposed development will have a lesser, or at the very least no greater, impact on the openness of the Green Belt than the existing development and to this end it is concluded that the proposal is not inappropriate development and therefore does not conflict with prevailing Green Belt policy.

LANDSCAPE CONSIDERATIONS/VISUAL AMENITIES OF THE GREEN BELT/AONB

With regard to the landscape impact of the development and the impact on the visual amenities and openness of the Green Belt as set out above, in contrast to the current site arrangement it is considered that the proposed use of the site will enhance the overall landscape setting and have a less dominant impact on the Green Belt than the current use.

The Council's Landscape Officer has considered this application and raised no primary issue with the principle of development on this site. The Officer has confirmed that he agrees with the conclusions of the LVIA although he does raise a couple of points in

respect of the chosen viewpoints but concludes that the degree of impact would not be a concern given the distance of the site from key viewpoints.

In terms of the general landscape setting it is considered that the proposed redevelopment will enhance the character and local distinctiveness of the site and in terms of the impact on the setting of the Area of Outstanding Natural Beauty, it is felt that the proposal would not adversely affect the natural beauty of the landscape.

The planting as generally indicated on Drg 2049/13/B/7 is to be welcomed, but needs to be fully worked up at the reserved matters stage. There is a significant amount of hedge and tree planting shown across the site and much of this is outside the privately owned areas. The long term management of this vegetation is an issue that will need to be addressed.

The landscape officer has confirmed that he would like to see a balanced provision of walling and fencing across the site, a view shared by the planning officer. The same can be said for paving / surface treatments and these needs to be arranged to provide an appropriate and interesting hierarchy. Higher quality materials and detailing needs to be provided in the most prominent locations - at site entrances for example - however these issues can be addressed through conditions.

Overall, it is considered that the proposal will have a neutral or better impact on the landscape setting of the site when compared to the current arrangements and as such it is felt that the proposed would not conflict with Local Policies GB.2, NE.1 or NE.2 or with national policy as set out in the NPPF.

LOSS OF EMPLOYMENT

No representations have been made in respect of this scheme by either the Economic Development or Planning Policy Teams in terms of the loss of employment on the site.

A detailed Employment Land Review Report has been submitted with this application confirming that the proposal would result in the loss of 2,117m² industrial floorspace; however it is noted that this is in accordance with Policy ET.1 of the Local Plan which seeks a managed reduction in such floor space. ET.1 conforms with the NPPF (para 22) which seeks the prevention of long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. In respect of this site it is noted that there is a falling demand in the wider area for units such as the ones on site and the only feasible use for the site would be if the existing stock were substantially improved.

Overall it is considered that the need for family homes and affordable housing outweighs the economic advantages of retaining this employment site in this location.

ACCESS AND HIGHWAY SAFETY

The site itself is isolated from other residential areas and services. Bathampton provides some local services, although there are concerns relating to the walking route, and the range of services is limited. Bathampton is served by the Number 4 bus route which operates at a 30 minute daytime frequency on weekdays and Saturdays. There are no

evening or Sunday services. The additional services that are routed along the A36(T) Warminster Road are distant from the site (a 1.3km walk). In consideration of this scheme the Highway Officer has commented that it is not realistic to expect residents to walk this distance in preference to car use and it is not convenient for those that do not have access to a car, concluding that given the isolation of the site and limited access to local services, the development residents would be reliant on travel by private car, contrary to the prevailing policies promoting sustainability. Whilst this assessment is considered to carry some weight it is noted that the site is located in close proximity to the canal towpath, giving level and safe access to the centre of Bath (in less than 15minutes on a bicycle) and indeed the applicant has provided additional information based on census data showing that Bathampton as a settlement has a level of bicycle commuting that is more than double the national average.

Overall, in consideration of the issue of sustainability, although the Highway Officer has objected to the scheme it is recognised that a site like this could never be fully sustainable. However in reality it does have good access to alternative routes to services, amenities and places of employment. It would be unrealistic to expect all but the most centrally located town or city developments to be fully sustainable; however this site is not significantly remote and the overall scale of development is not large. On balance it is concluded that a sustainability argument against this scheme based on the proximity to services would not be sufficient to refuse the grant of planning permission. This has been raised with the Highway Officer who has provided updated comments with suggested planning conditions.

Turning to the issue of highway safety, the Highway Officer has noted that pedestrians currently use Tynning Road for recreational purposes and that the proposed development could present a potential conflict at weekends and through holiday periods when the walking route is most intensively used. Whilst the Highway Officer has objected to the scheme on this basis it is acknowledged that the default use of the site is B8 and that there is capacity on site to expand under industrial permitted development rights. There would be nothing to restrict this situation from changing if the site were to be more intensively used which could result in larger vehicles utilising the road at greater frequencies.

It is recognised that whilst there is always a desire to provide or accommodate the safest means of access for all user groups, in locations such as this, it is often not possible. This site is in a semi-rural location served by a characteristically rural road; however the development is of a relatively small scale and overall the conflict in movement between pedestrians and vehicles is unlikely to be significant. It is noted that Tynning Road is poorly lit at present, narrow and bounded by dense vegetation and the Highway Officer has stated that the risk to personal safety is also a significant concern due to the lack of lighting and that it is highly unlikely that vulnerable pedestrians would use this route. In response to this issue and in consultation with the Street Lighting Team, the Highway Officer has requested a contribution towards street light improvements along Tynning Road totalling £50,057.00. This would provide for additional 15. 8m high lighting columns including the takedown and reinstatement of existing columns, supply of the new columns, electrical infrastructure as well as civil works associated with reinstating paved areas and adding column protection. The requested sum is to be secured by S.106 agreement and in view of the ability to mitigate the lighting issue along Tynning Road, it is considered that the overall risk to pedestrians will be improved.

Overall, in respect of the issue of pedestrian safety, given the fall back position of the use of the site and in light of the level and scale of the proposed development on balance it is felt that provided the required sum towards lighting improvements is secured, the scheme would not adversely prejudice highway or pedestrian safety to an extent that would warrant a refusal.

Finally, in respect of the actual access to the site (the only matter not reserved by this scheme) it is noted that permission has already been granted for improvement works to the road fronting the site including passing bays to facilitate better access under the railway line and close the existing rail crossing. Access into the site is capable of accommodating the acceptable levels of visibility and there is sufficient capacity for vehicles to move in and out of the site without prejudicing highway safety. Overall no objection is raised in respect of this application in terms of the proposed means of access.

AFFORDABLE HOUSING

The Housing Officer has considered this application and raised no objection subject to obligations tied by a s.106 agreement.

Some very useful comments have been made based on the indicative proposed layout; however these relate to details which are reserved matters. The developer is encouraged to consider the comments of the Housing Officer in the final design of their scheme in order to ensure an appropriately designed and laid out site is brought forward conforming to the principles of Secure by Design and ensuring the affordable units are truly "tenure blind".

RESIDENTIAL AMENITY

Given the position of this site whilst there are properties in the wider area that benefit from views into the site there is in fact only one dwelling that would be directly affected by this development which is located to on the northern boundary. An objection has been received from the resident of this property however this focuses on the proximity to the railway line in terms of safety, making suggestions as to how the road network could be improved; however it is noted that the suggested improvements have largely been incorporated into the approved scheme for the access (13/05491/FUL). No objections have been received in respect of this case in terms overlooking, disturbance or harm to residential amenity and overall having assessed the site and the level of development it is considered that 15 units could adequately be accommodated on site without prejudicing the amenities of those residents most closely affected.

EDUCATION

The Education Services Team have considered this application and requested the sum of £76,096.85 towards schools and youth provisions in the area comprised of £73,095.35 towards school places and £3,001.50 towards youth provision. These contributions are to be secured by way of the s.106 agreement to be signed before the issuing of permission.

ECOLOGY

The bat surveys identify lesser horseshoe bat night roosts and common pipistrelle bat roosts in buildings at the site which are proposed for demolition. Activity surveys show bat activity along vegetated routes. No horseshoe bat activity was detected, although the site is used at least by lesser horseshoe bats as evidenced by the night roosting on the site.

Although horseshoe bat activity was not detected at the site, a precautionary approach must be taken as the level of survey was not designed to produce sufficient data to be able to discount use of the site by GHB or LHB if these species were not recorded at the site. It must therefore be assumed that lesser and greater horseshoe bats may use the site and adjacent linear habitats such as the railway line and these may be important to them. This will be particularly relevant to the lighting proposals for the scheme. Further details will be needed to demonstrate dark corridors with zero lux on linear habitats within the site that connect to the railway line and the wider countryside, and zero lux light spill onto adjacent habitats such as the railway line and its vegetated embankment.

The Council Ecologist welcomes the degree of proposed native hedgerow and tree planting, which will create habitat of benefit to bats and other wildlife, and will mitigate for impacts arising from the development including loss of scrub vegetation, and potentially, to some degree, effects of light spill. It is however noted that full landscaping will be considered at a later stage, to be secured by condition, however in principle no objection is raised.

The Ecologist has raised a concern relating to the access road which lies between a proposed native hedgerow and the railway line as this places the lighting proposed for this road immediately adjacent to the railway embankment and its vegetation. The Ecologist has stated that the vegetated route must be assumed to be of importance to bats, as indeed is indicated by the bat survey findings, and also must be assumed to be of potential importance to the light sensitive horseshoe bats. Notwithstanding this concern, it should be noted this outline application does not detail the position of any lighting and fundamentally permission has already been granted for the new access road under application 13/05491/FUL which itself was a reconfiguration of a 2010 permission for the road and no previous ecology objection has been raised in this respect. Detailed design and layout of the site are reserved matters and as such there will be an opportunity to consider the acceptability or otherwise of external lighting and its impact.

It is noted that a European Protected Species (EPS) licence will be needed in respect of this site before demolition can occur and therefore the LPA must be satisfied that the "three tests" of the Habitats Regulations will be met prior to making any decision to consent. The scheme is accompanied by mitigation proposals for bats including a purpose built roost structure in the south eastern area of the site. The Ecologist has considered the mitigation proposals and confirmed that they are appropriate and feasible and she is confident that if implemented as described in the bat report, together with all necessary wildlife protection measures, bat friendly lighting and planting to provide connective habitats and flight lines, there will be no harm to the conservation status of the affected species of bats, thus the "third test" of the Habitats Regulations as required for the EPS licence application, would be likely to be met.

With regard to the other two tests (1, there being an overriding public interest in the development and 2, there being no suitable alternative) firstly, the provision of additional housing can be taken as being in the public interest as it is recognised that there is a need

for housing both at a district and national level and the drive for new housing is a central thread of Government policy, although only proposing a modest number of dwellings this scheme will contribute to the identified local shortfall in housing provision. Secondly, whilst it is accepted that the alternative would be to retain the existing buildings on site, this is not considered acceptable as it would affect the visual quality of the site and detract from the overall aesthetic character of the Green Belt and Area of Outstanding Natural Beauty. As has been stated previously, this application represents an opportunity to enhance rural character and as such, the retention or even conversion of the existing building stock is not considered to be a realistic or viable alternative option. Given that the proposal is to improve the appearance of the site as well as offering a dedicated bat habitat and additional vegetation it is felt that the proposal is in fact a suitable alternative in terms of the tests.

Finally, it is noted that the buildings are also used by swallows for nesting and further details of appropriate mitigation will need to be provided with the reserved matters application. Likewise there is potential for reptiles to use the site and further details to provide pre-development survey findings and mitigation proposals as applicable will be required. The Ecologist has confirmed that these can be secured by condition.

Overall there is no objection to this scheme in respect of ecology.

TREES

The most prominent trees on the site at present are the mature Lombardy Poplars. Whilst these are dominant in the immediate landscape and their loss has been referred to by objectors of this scheme as forming part of the landscape setting of the site, the Council's arboricultural officer has stated that she concurs with the assessment in the tree survey and report that they have outgrown their useful life and therefore have limited remaining integral value to offer. The retention of the poplars within the proposed development, although achievable, would be impractical in the context of proximity to and integration within the setting of domestic dwellings.

Further to the Arboricultural Officer's comments, it is noted that the Landscape Officer has stated that the removal of the Poplars could be viewed as having a positive impact on the surrounding landscape given the alien nature of these trees in this location and in light of their age and health.

It is noted that the proposed development will bring forward its own landscaping which will both mitigate the loss of the poplars and aesthetically compliment the new use of the site. Overall the loss of the poplars does not raise an objection that could sustain refusing this scheme.

LAND CONTAMINATION

Given the historic use of this site, whilst there is no objection in principle to the use of the site, conditions are required to secure an assessment of the site and identify any potential risks as well as reporting any unexpected contamination to the LPA.

RELOCATION OF THE PHONE MAST

No objection is raised in respect of the proposed resiting of the existing phone mast; this will still be on the south eastern boundary of the site and the mast will remain of the same dimensions. This is an established feature in the landscape and therefore will not look out of place or have any greater impact on the landscape character of the Green Belt or Area of Outstanding Natural Beauty.

OTHER ISSUES

It is noted that there are no in principle objections raised in terms of flood risk on this site; however conditions have been requested in respect of site drainage and protecting surrounding water sources. Representations have been made by both the housing officer and crime prevention officer; however these relate to details that will be considered at the reserved matters stage. The developer is encouraged to consider the suggestions relating to design and layout and to engage with the Council prior to the submission of a reserved matters application to ensure an acceptable scheme is brought forward.

Having regard to all other issues raised by third parties and consultees no issues have been raised that should otherwise preclude the granting of planning permission for this development.

BATH TRANSPORT PACKAGE

The location of the railway lines at Bathampton Junction is fixed beyond a limited amount of possible easing of curves. In July 2011 the Council resolved, in amending the Bath Transportation Package, that officers should "...work on alternatives to Bathampton Meadows Park & Ride (P&R), possibly involving rail, as part of the Council's future Transport Strategy". The strategy launch document still sets out that a Park and Ride is needed to the east of Bath. The recommendation agreed at Cabinet on 14th May provides that further work is required to establish the need for increased Park and Ride capacity and that detailed assessment of sites is required to the east of the City. This application site forms one of several options the Council is considering and, at the time of writing this report, a public consultation has been launched (June 2014) to the relative merits of the various option sites. The July 2011 resolution of the Council therefore is still relevant as the evidence underpinning the Transport Strategy maintains that there is Park and Ride capacity to the east of Bath. In respect of this application, the option for the use of this site to meet alternative transport needs is a material consideration however at present only carries limited weight as this site is only an option that has not been agreed let alone adopted and there is no policy yet established in respect a transport option for this site.

In addition to the Transport Package Options, the Cabinet has agreed a recommendation to consult on i) improved vehicle management within the city and ii) reducing the impact of vehicles on the city. This includes measures to address strategic and local 'through traffic'. This is important to address Air Quality issues. However, from a planning policy point of view it is also helpful in assisting the delivery of the growth within Bath as set out in the Council Draft Core Strategy. The need for an A46/36 link road in the vicinity of the application site is also a matter which requires examination, given that it could be brought forward in association with a Park and Ride site involving rail. As stated, no formal option has been agreed for this site however clearly if this site were to be allocated for an alternative option it could have implications for the delivery of the development hereby proposed.

SECTION 106 AGREEMENT

A section 106 agreement has been drafted in respect of the matters set out in the above report however has yet to be engrossed. It is recommended that permission is granted upon the engrossment of the S106 agreement.

CONCLUSION

For the reasons set out in the above report it is recommended that outline permission is granted for this scheme subject to the completion of the S.106 agreement securing the aforementioned financial contributions and obligations and subject to planning conditions.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

Authorise the Group Manager, in consultation with the Planning and Environmental Law Manager, to: (a) enter into a Section 106 agreement to secure financial contributions towards street lighting improvements and educational provision and the provision of affordable housing, and (b) upon completion of the Section 106 agreement permit with the following conditions:

1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

2 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

3 An application or applications for the approval of the reserved matters for all or parts of the development hereby permitted shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

4 Approval of the reserved matters shall ensure that no more than 15 dwellings shall be erected on the site.

Reason: In the interest of the visual amenities of the area and to ensure the site is not overdeveloped

5 No building on the site hereby approved shall exceed 8.7m in height to the ridge line.

Reason: In the interest of visual amenities and to preserve the setting of the Green Belt

6 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below. For clarification, as this is an outline application, permission is only granted for the development of the site edged red on the site location plan and the access details. All details relating to design, layout, and landscaping shall be addressed at the reserved matters stage in accordance with conditions 1-4.

Reason: To define the terms and extent of the permission.

7 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 phasing programme agreed in writing with the Local Planning Authority. All hard landscape works shall be permanently retained and maintained in accordance with the approved details.

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

8 No development activity 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 in 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 records and certificates of completion and compliance. The statement should also include the control of potentially harmful operations such as construction access, storage, handling and mixing of materials on site, burning, location of site office, service run locations including soak-away locations and movement of people and machinery.

Reason: To ensure the protected trees to be retained are not adversely affected by the development proposals.

9 No development shall take place until full details of a Wildlife Protection, Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- a. Findings of reptile surveys and proposals for mitigation as applicable;
- b. Full outstanding details of the proposed bat mitigation scheme in accordance with the recommendations of the Avon Wildlife Trust Bat Survey, Oct 2013 (Annex 2 of the LaDellWood Ecology Phase 1 Habitat Survey).
- c. Full details of all external lighting including street lighting and external property or security lighting, demonstrating zero lux light spill levels onto boundary vegetation and adjacent habitats and the railway embankment and all other locations of darkness as applicable as required for the bat mitigation scheme.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development or otherwise in accordance with a phasing plan to be submitted to an agreed in writing by the LPA.

Reason: in the interest of ecology

10 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

11 No part of the development hereby approved shall be occupied until parking has been provided to serve that part of the development, in accordance with details submitted to and approved in writing by, and to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and public amenity.

12 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 and traffic management.

Reason: To ensure the safe operation of the highway.

13 Finished floor levels should be set a minimum of 100mm above the existing ground levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants given the proximity of the River Avon to the site and take into account climate change.

14 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 (LPA). 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, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

15 No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the LPA. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

16 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;
- (iii) 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.

17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

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.

PLANS LIST:

This decision relates to the following drawings date stamped 30th October 2013:

- 1168 AL 10 (Proposed Site Plan in respect of access only)
- 1168 AL 20 (Development Area Comparison Plans)
- 1168 AL 40 (Existing Aerial View North)
- 1168 AL 41 (Existing Aerial View East)
- 1168 AL 042 (Existing Aerial View - Looking South)

1168 AL 43 (Existing Aerial View West)
1168 AL 80 (Building Height Comparison)
1168 AL 81A (Scale Parameters)
1168 AL 100 (Site Location Plan)
1168 AL 101 (Existing Site Plan)

The following background documents date stamped 30th October 2013 were submitted to inform and justify the proposed development:

- Ecology Report
- Ecology Phase 1 Habitat Survey
- Avon Wildlife Trust Bat Survey
- Statement Of Community Engagement
- Transport Statement
- Landscape Visual Impact Assessment Report
- Affordable Housing Statement
- Employment Land Report
- Heritage Desk Based Assessment
- Planning Design Access Statement
- Site Investigation No. K0449
- Tree Survey Report
- Noise On Construction Sites
- Environmental Noise Report
- Site Specific Flood Risk Assessment
- Sustainable Construction Checklist

The following drawings date stamped 30th October 2013 have been submitted for information purposes only at this outline stage:

1168 AL 11 (Proposed Site Plan)
1168 AL 50 (Proposed Aerial View North)
1168 AL 51 (Proposed Aerial View East)
1168 AL 52 (Proposed Aerial View South)
1168 AL 53 (Proposed Aerial View West)
1168 AL 70 (Proposed Site Sections)

Indicative Landscape Strategy drawing 2049/13/B/7 date stamped 14th November 2013 has been submitted for information purposes only at this outline stage.

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework and for the reasons given, and expanded upon in the delegated report, a positive view of the submitted proposals was taken and permission was granted.

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

INFORMATIVES

ECOLOGY

A) A European Protected Species Licence will be required before any development can commence - including the demolition of the existing units on site. The Applicant is advised to contact Natural England.

SUSTAINABLE TRANSPORT

B) It is recommended that residents should be issued with a Resident's Welcome Packs upon occupation including information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport.

FLOOD MITIGATION

C) There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

LAND DRAINAGE

D) Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365. The soakage test results and test locations are to be submitted in accordance with BRE digest 365 when discharging the surface water condition.

E) The British Geological Survey maps for the site area suggest that the site area has variable permeability and recommends infiltration tests to confirm suitability for infiltration SuDS. It also suggests a water table at less than 3m.

F) If SuDS are deemed not to be viable then an alternative method of surface water drainage should be proposed with a corresponding drainage strategy at full application stage. To note that surface level attenuation or positive discharge to a watercourse is preferred to underground tanking.

G) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

CONSTRUCTION MANAGEMENT

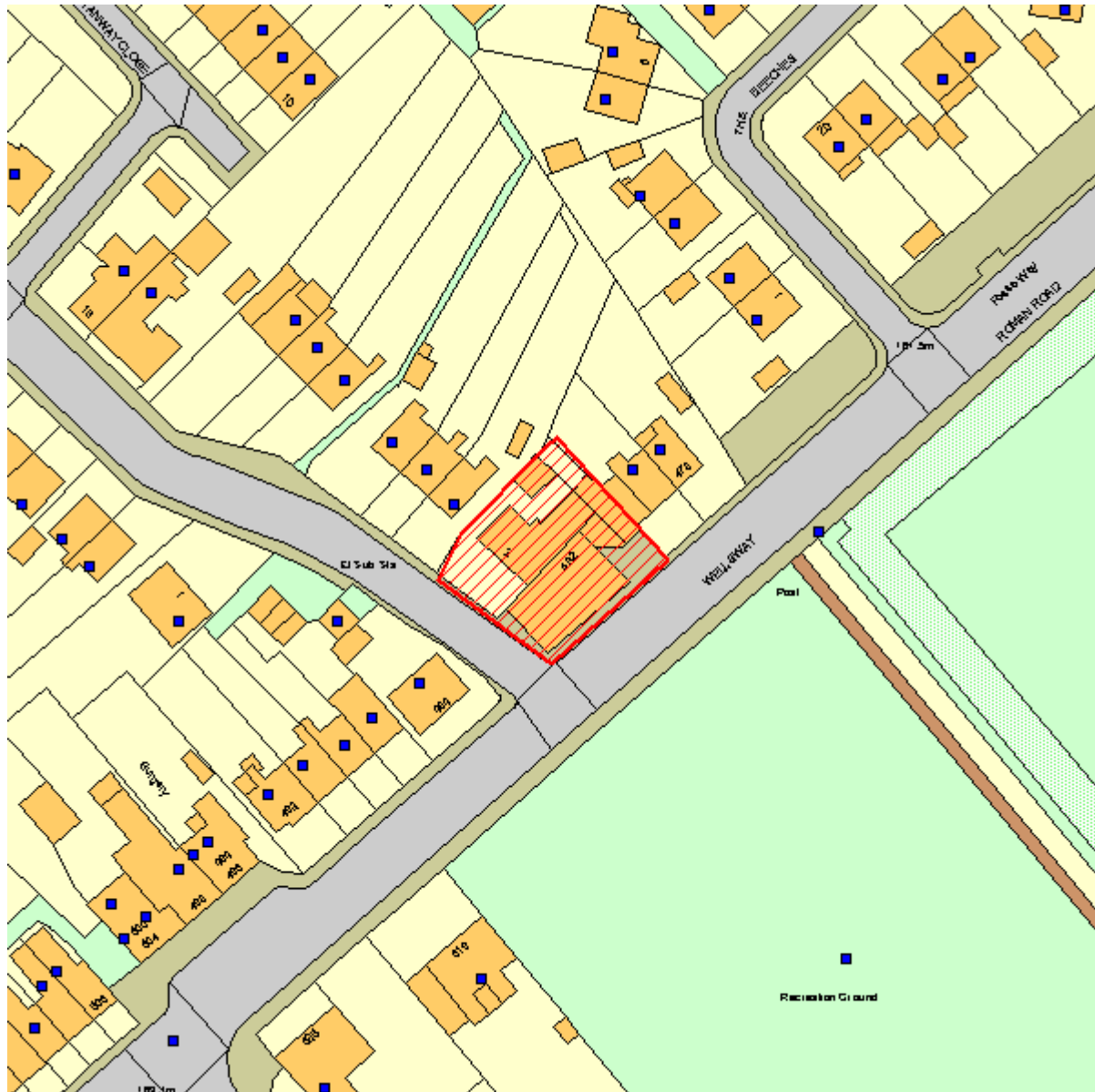
H) No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

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

CONTAMINATED LAND

J) 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. Contamination may be indicated by soils that have unusual characteristics such as: unusual colour, odour, texture or containing unexpected foreign material.

Item No: 03
Application No: 13/04683/FUL
Site Location: Radway Service Station 482 Wellsway Bath BA2 2UB



Ward: Odd Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor S P Hedges Councillor N J Roberts
Application Type: Full Application
Proposal: Demolition of the existing Radway Service Station at 482 Wellsway and dwelling house at 2 Oolite Road to provide five small-scale student cluster flats. (Resubmission)
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
Applicant: Legend Strategy Enterprises (UK) Ltd
Expiry Date: 25th December 2013

Case Officer: Jonathan Fletcher
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REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

A request has been received from Councillor Nigel Roberts for the application to be referred to the Development Control Committee and the Chairman has agreed to this request.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a former petrol station and adjacent dwelling located within the Bath World Heritage. The application seeks planning permission for the erection of five student cluster flats which would provide a total of 31 bedrooms. The prevailing character of the surrounding area is residential. The application site forms a corner plot and is bounded by residential development on three sides and a school playing fields to the opposite side of the Wellsway. The proposed development is designed as a three storey building with a shallow pitched roof. The external walling materials are proposed to be a combination of Bath stone ashlar, Bath stone colour render, cedar cladding with standing seam zinc to the roof.

RELEVANT HISTORY:

05/03727/FUL - WITHDRAWN - 11 April 2006 - Demolition of petrol station and house and construction of 12 flats

06/02788/FUL - REFUSED - 5 April 2007 - Erection of six flats after demolition of petrol station and house at 482 Wellsway and 2 Oolite Road, Bath (Resubmission)

08/01759/FUL - PERMIT - 15 December 2008 - Erection of six flats following demolition of existing dwelling and petrol filling station

11/05321/REN - PERMIT - 23 April 2012 - Renewal of application 08/01759/FUL (Erection of six flats following demolition of existing dwelling and petrol filling station)

13/01920/FUL - WITHDRAWN - 12 July 2013 - Erection of small-scale student cluster flats to accommodate 35 student rooms following demolition of the existing Radway Service Station at 482 Wellsway and dwelling house at 2 Oolite Road

13/02913/DEM - PRIOR APPROVAL REQUIRED - 5 August 2013 - Demolition of service station at 482 Wellsway Road and the adjacent house: No. 2 Oolite Road including all outbuildings

13/03420/DEMA - APPROVE - 19 December 2013 - Demolition of service station at 482 Wellsway Road and the adjacent house: No. 2 Oolite Road including all outbuildings (Following 13/02913/DEM).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Landscape Architect: No objection subject to conditions to secure a hard and soft landscape.

Environmental Health Officer: No objection subject to a condition to secure sound attenuation measures.

Drainage Engineer: No objection.

Urban Designer: No objection subject to changes to the fenestration details and updated sustainable construction checklist.

Avon and Somerset Police: Recommendations are made in relation to the appropriate security measures for the development.

Highway Development Officer: No objection is raised to the proposal subject to contribution of £28k to support the 20A/C bus service, a restriction preventing occupiers parking in the area and conditions to secure a travel plan, a construction management plan and parking provision.

Parks and Open Space: A contribution of £28,246.35 is sought in relation to Parks and Open Space provision.

Contaminated Land Officer: No objection subject to conditions relating to land contamination.

Councillor Nigel Roberts: A request has been received for the application to be referred to the Planning Committee if officers are minded to approve. Concerns are raised in relation to the accessibility by cycling, the uncertainty about the funding for the 20A/C, the increase in traffic and the visual impact of the development.

Bath Preservation Trust: Concern is raised in relation to the visual impact of the development and the demolition of the existing dwelling.

Representations: Three letters and a petition signed by 48 individuals have been received which raise concern in relation to the following areas:

- Overlooking to adjacent school.
- Inappropriate type of accommodation for the area
- Misleading description
- Increased traffic
- Design which is out of character with the area
- Increased demand for on-street parking
- Flood risk

POLICIES/LEGISLATION

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

BH.1 - World Heritage Site

T.24 - General development control and access policy

T.26 - On-site parking provision
HG.17 - Purpose built student accommodation
ES.15 - Contaminated Land
IMP.1 - Planning Obligations
ES.1 - Renewable Energy
ES.2 - Energy conservation
ES.4 - Water supply
ES.5 - Foul and surface water drainage
ES.9 - Pollution and nuisance
ES10 - Air Quality
ES12 - Noise and vibration
ES13 - Safety hazards

Bath & North East Somerset Draft Core Strategy November 2013

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies are relevant to this application:

B1: Bath Spatial Strategy
B5: Strategic policies for Bath's universities
CP2: Sustainable construction
CP3: Renewable Energy
CP6: Environmental quality
CP7: Green Infrastructure
CP13: Infrastructure provision

National Planning Policy Framework (NPPF) - March 2012

National Planning Policy Guidance (NPPG) - March 2014

OFFICER ASSESSMENT

INTRODUCTION:

The primary issues to consider when determining this application relate to the principle of student accommodation in this location, the visual impact of the development, residential amenity, highway safety, land contamination and planning obligations.

The application relates to a former petrol station and an adjacent dwelling which have now been demolished under a separate application ref: 13/03420/DEMA. The planning history relating to this site also confirms that planning permission has previously been granted for a development of 6 residential flats however this scheme has not been implemented. It is understood that this scheme was unviable due to the costs of decontaminating the site. A previous application for student accommodation was withdrawn in response to concerns from officers about the impact on the streetscene, parking restrictions and residential amenity.

PRINCIPLE OF DEVELOPMENT:

Policy HG.17 of Local Plan requires new student accommodation to be located on previously development land, with good access to university campuses and other facilities by transport modes other than private cars and to be within the built-up area of Bath. In this case the proposed development would be located on the site of a former petrol station and a dwelling. Although the site is not located in close proximity to a university campus or the City Centre, there is an existing bus route (Number 20A/C) which provides a direct link to the Bath University Campus at Claverton Down and there are numerous other services to the City Centre. The accessibility of the site is discussed in more detail below. The site is located within the built-up area of Bath and consequently the requirements of policy HG.17 would be met.

The draft Core Strategy also includes provision for student accommodation under policy B5 which states that 'Proposals for off-campus student accommodation will be refused where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city.' Only limited weight can be attached to this policy however there is not deemed to be any direct conflict with the wider spatial strategy for Bath.

VISUAL IMPACT:

The application site is located on the corner of Wellsway and Oolite Road. There are a mixture of properties and architectural styles in the area however these buildings are predominantly two stories in height with bay windows to the front elevations. In terms of the streetscene on the Wellsway, the proposed development would be located between a semi-detached property to the northeast and a new detached property to the southwest which is located on the opposite side of Oolite Road.

The proposal was submitted under a previous application which was subsequently withdrawn following concerns about the visual impact of the development. The main issues with the scheme were scale of development being proposed onto the side boundaries of the site and the massing of the roof. The proposal has subsequently been revised in consultation with the Council's Urban Designer including the introduction a shallow pitch standing seam zinc roof and a reduction in the size of the third storey to bring the bulk of development away from the boundaries at this level. The height of the development would be consistent with the existing properties adjacent to the site, albeit at three stories. Although the footprint of the development would extend forwards of the adjacent property to the northeast this could be accommodated within the corner plot and would reflect the siting of the new dwelling located to the opposite of Oolite Road. The mixture of materials would be in keeping with the contemporary design of the development and would integrate the structure within the streetscene. Overall, officers consider that this revised scheme would have an acceptable impact on the character and appearance of the area.

RESIDENTIAL AMENITY:

The impact on the residential amenity of adjacent occupiers has been given careful consideration by officers. Concern has been raised in relation to current and previous applications that the density of development, now at 31 bedrooms, may lead to disturbance for adjacent occupiers.

As a starting point, the previous use of the site as a petrol station needs to be taken into account when assessing the impact on residential amenity. This type of use creates noise and odour which will have impacted on living conditions to some extent. The potential disturbances caused by the proposed student accommodation need to be assessed in this context.

The Council's Urban Designer has provided advice in relation to the layout of the development which would help to reduce the potential level of disturbance. In particular, the areas of outdoor space have been located to the front of the site along with the bin stores. This layout is deemed to function more successfully for student accommodation as it would prevent activity towards the rear boundaries which are more closely related to the adjacent properties. For the same reason, the bike storage has also been relocated centrally to the ground floor. The fenestration details to the rear elevation have been revised to re-orientate the directional windows away from the adjacent properties.

In addition to the design of the development, the on-going management of the building would have an impact on residential amenity. The information which has been submitted in support of this application indicates that the building would be managed by a property management company who would carry out regular inspections and would be contactable for local. Although this could not be secured by a condition, a clause could be included within a legal agreement to ensure that the building continues to be managed by a property management company. A site management plan would need to be agreed in relation to this planning obligation to confirm the details of how disturbance could be reported and investigated. This would provide a facility for local residents to address issues if they arise. Furthermore, local residents would be able to contact the Environmental Health Team under the normal procedures.

The comments received within the consultation period have highlighted the potential impact on the adjacent school from overlooking. Whilst these comments have been noted there is not considered to be sufficient justification to warrant a refusal of the application based on this issue. The school site is already visible from the existing properties in the area and the proposed development would not significantly increase this level of overlooking.

On balance, the proposal is considered to have an acceptable impact on the residential amenity of adjacent and future occupiers. Officers remain concerned about the intensification of the use of the site however the layout of accommodation and the possibility for site management would ensure that any future disruption is minimised.

HIGHWAY SAFETY:

The Council's Highway Development Officer has raised no objection to the proposal for student accommodation in this location. The main issues which have been considered by officers are the accessibility of the site by public transport and the demand for on-street parking.

Negotiations have taken place with the agent in relation to the need for planning obligations to mitigate against the impact of the development. The site does not fall within the central area or near to a university campus however there is a direct bus service to the

University of Bath Claverton Down Campus in addition to the services to the City Centre. The Council's Public Transport Officer has confirmed that the 20A/C service to the Claverton Down Campus is a subsidised route including funding from the Sainsbury's development at Odd Down (ref: 09/02389/OUT) and the University of Bath 12/02626/FUL. A contribution of £28k is sought from the current application in order to maintain the existing level of service for a period of a year. This is deemed to be a reasonable level of contribution with regards to the scale of the development being proposed and has been agreed by the applicant.

A further planning obligation has been agreed to prevent future occupiers of the development from parking within 2km of the site. There is a single disabled parking space provided on site however there is no other parking and therefore the development could place a substantial demand for on-street parking. A clause within a section 106 agreement would prevent student from parking in the area and this is proposed to be monitored by an independent agency. The Council's Highway Development Officer has confirmed that this would provide an acceptable solution to overcome this issue. A site management plan would be required as part of this planning obligation to confirm the frequency and method of monitoring which is to be undertaken in relation to the parking restrictions.

CONTAMINATED LAND:

The Council's Contaminated Land Officer has been consulted in relation to this application and has raised no objection subject to conditions to control sources of contamination. The historic use of the site as a petrol station is likely to create issues with site contamination which will need to be addressed. The petrol station has now been demolished with the tanks being made safe under a separate application which dealt specifically with the demolition (ref: 13/03420/DEMA). The site is considered to be acceptable for redevelopment to student housing subject to conditions which will ensure that contamination issues are addressed.

SUSTAINABILITY

The application is supported by a Sustainable Construction Checklist and a Design and Access Statement which indicate that sustainable construction methods will be incorporated into the development. A sustainable development is sought to be achieved through passive solar gain with the principle elevations facing south, the incorporation of solar panels to the roof and a combined heat and power gas boiler.

PLANNING OBLIGATIONS:

In addition to the planning obligations set out above, a contribution of £28,246.35 is sought in relation to parks and open spaces provision which has been agreed by the applicant.

CONCLUSION:

In light of the points raised above, on balance, the revised proposal is considered to be acceptable and is recommended for permission subject to the completion of a section 106 agreement and conditions set out below.

RECOMMENDATION

Authorise the Divisional Director, Development to PERMIT subject to condition(s)

CONDITIONS

A. Authorise the Development Manager to permit the application subject to the applicant entering into a legal agreement to secure:

Public Transport

A contribution of £28,000 is sought in order to maintain the existing level of service for the 20A/C bus route for a period of a year.

Formal Open Space

A contribution of £28,246.35 is sought to fund the provision of new formal open space, natural open space and allotments off-site to serve the population.

Site Management Plan

A planning obligation is sought to restrict future occupiers of the development from parking within 2km of the site which will be monitored in accordance with a site management plan.

A planning obligation is sought to ensure that the development is managed by a property management company in accordance with a site management plan.

B. Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to the following conditions (or such conditions as he may determine):

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

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

2 No development shall commence until a sample panel of all external walling and roofing materials to be used has been erected on site and approved in writing by the Local Planning Authority. Thereafter, the sample panel shall be kept on site for reference until the development is completed and the development shall be carried out in accordance with the approved details.

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

3 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.

4 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.

5 No part of the development hereby permitted shall be occupied until the parking area shown on the approved plans has been provided. Thereafter, the parking space shall be kept free of obstruction and shall not be used for any other purposes than parking in association with the development hereby permitted.

Reason: In the interests of highway safety and public amenity

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

Reason: In the interests of sustainable development.

7 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 and traffic management. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure the safe operation of the highway.

8 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the 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 30dB_LA_{eq},15min for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F timeweighting) shall not (normally) exceed 45dB_LA_{max}.

Reason: In the interest of residential amenity

9 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the

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

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

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

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

10 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.

11 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out

remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

12 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 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. Condition 11, 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. Condition 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.

13 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 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.

14 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:

676/7049/1A, 865/PA/01B, G10C, G12B, G16A, G17A, G18C, G19B, G22, G23C, G25C

DECISION MAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and planning permission was granted.

Item No: 04
Application No: 14/01016/FUL
Site Location: 21 Woodland Grove Claverton Down Bath Bath And North East Somerset BA2 7AT



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Nicholas Coombes Councillor David Martin
Application Type: Full Application
Proposal: Erection of 3no detached dwellings following demolition of a single dwelling and garage
Constraints: Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
Applicant: Mr Paul Kettleby
Expiry Date: 16th May 2014

REPORT

REASON FOR REPORTING TO COMMITTEE

Councillor David Martin has requested that the application be considered by the Development Control Committee and has made the following comments:

1. The proposal does not maintain the character of the public realm and fails to respond to the local context due to its materials, design, layout, spacing and appearance;
2. The development does not take account of the need to minimise energy consumption due to choice of materials and orientation of buildings;
3. The development would impose additional demands on the local foul water sewage infrastructure and no account has been taken of the need for additional provision;

In line with the Council scheme of delegation the application has been referred to the Chairman of committee who has decided that the application should be determined by committee due to the level of local interest and concerns about design and amenity.

DESCRIPTION

21 Woodland Grove comprises a detached bungalow with a detached garage positioned centrally on a large plot within a cul-de-sac. A low stone boundary wall surrounds the site and there is a line of trees along the southern and eastern boundaries of the site.

The site lies within the Bath World Heritage Site.

The area surrounding the site is characterised by a mixture of semi-detached and detached properties set back from the road edge and arranged around a series of cul-de-sacs.

The proposal is to demolish the existing bungalow and garage and to erect three detached dwellings on the site (1 x 4 bedroom dwelling and 2 x 5 bedroom dwellings). The proposals include two off-street parking spaces per dwelling.

SITE HISTORY

05/03026/OUT - Outline consent granted in 2005 for the construction of 2 new dwellings following the demolition of the existing dwelling. Reserved matters were not submitted and this consent was never implemented and has now expired.

07/02648/FUL - Full planning permission granted in November 2007 for the erection of 1 detached dwelling and two semi-detached dwellings following the demolition of the existing dwelling. This planning permission has not been implemented and has now expired.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Full copies of comments received are available on the Council's website. A summary of comments received is provided below.

HIGHWAYS OFFICER

No objection, subject to conditions.

FLOOD RISK AND DRAINAGE

No objection, subject to conditions.

ARBORICULTURAL OFFICER

No objection, subject to conditions

ARCHAEOLOGICAL OFFICER

No objection.

ECOLOGY

No objection.

EDUCATION SERVICES

We do not need to seek a contribution for this development as once the existing dwelling that is to be demolished is taken into account, there will be a net gain of only two dwellings.

PARKS AND OPEN SPACES

No objection, subject to contribution towards formal green space, natural green space and allotment provision of £13,858.08

BATH PRESERVATION TRUST

(Comments received prior to revised drawings)

We welcome the principle of housing development on the site, and the density and layout proposed. The city needs to make the best use of existing urban areas to provide much needed housing. We regret that the design appears dated and encourage a review. We are unconvinced that the design and fenestration in particular, does anything to strengthen local distinctiveness.

THIRD PARTIES/NEIGHBOURS

18 Letters of objection have been received. The main points raised are summarised and grouped below:

Character and appearance

- The proposed buildings are out of keeping with the area;
- Style, design, spacing, layout and materials are not sympathetic to the area;
- Other houses in the street are constructed from re-constituted bath stone;
- Proposal represents overdevelopment;
- Proposed density is excessive;
- Buildings stand proud of the adjacent buildings;
- Buildings will not relate positively to the public realm;
- Plans fail to express roof detail similar to surrounding houses;
- The six car parking spaces are very dominant at the front of the plan;
- Proposed dwellings resemble townhouses;

- Not appropriate in this quiet, leafy, woodland suburb;
- Scale of development is disproportionate to rest of cul-de-sac;
- Proposed gables will have a tunnelling effect on the close;
- Lack of meaningful landscaping;
- Contrary to policies D.2 and D.4 of the Local Plan;

Residential amenity

- Loss of light to 23 Woodland Grove due to proximity of unit 1;
- Gable ends will overlook properties opposite the site;
- Loss of privacy;
- Will spoil the aspect of no. 19 Woodland Grove;
- Reliance on trees to screen the proposal;
- Side wall of unit 1 is overbearing;
- In the event of approval, the side elevation of unit 1 should be softened;

Highways and parking

- Insufficient off-street parking provided;
- Proposal represents a marked increase in traffic movements;
- Proposed houses and lack of visitor parking will result in additional on-street parking;
- Potential overcrowding on existing short and narrow road;
- Insufficient road width to accommodate visiting cars;
- If cars are parked opposite a drive it is impossible to reverse out;
- Vehicle turning, access and on-street permit parking will be adversely affected;
- Loss of on-street parking due to proposed accesses;
- Road is used every day by delivery vans and tradesmen;
- Surrounding roads have double yellow lines so impact will be focused on this road;
- Proposed parking places will be a hazard to pedestrians and road users;
- Highways safety will be compromised;

Other matters

- Conditions controlling construction times and methods should be applied;
- The sewage system dates from the 1950s and already causes problems from time to time;
- Three additional dwellings will be too much for the sewage system;
- No provision has been made for foul sewage infrastructure;
- Previous experiences of sewer blockages;
- Drains from surrounding properties discharge under the grounds of the site;
- Flood risk assessment is inadequate;
- Concerns about inaccuracies in the documents/drawings;
- Concerns about use as HMOs;
- Lack of sustainability.

A further 18 letters of objection were received following the submission of amended drawings. The previous issues raised were restated and the other main points raised were:

- Revised drawings do not address concerns previously raised;
- Changes to proposals are superficial;
- Revised drawings make units 1 and 2 more cramped;
- Concerns about ambiguities in the drawings;

- Loss of boundary wall at front of site will be detrimental to the street scene;
- Proposals will be a blot on the skyline;

POLICIES/LEGISLATION

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

D.2:	General Design and public realm considerations
D.4:	Townscape considerations
HG.4:	Residential development in the urban areas and R.1 settlements
BH.1:	World Heritage Site
NE.10:	Nationally important species and habitats
NE.11:	Locally important species and habitats
ES.5:	Foul and surface water drainage
IMP.1:	Planning obligations
T.1:	Overarching access policy
T.24:	General access and development control policy

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

All policies referred to above, with the exception of BH.1, are proposed as saved policies within the submission core strategy.

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

Section 7: Requiring good design

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development;
- Character and appearance;
- Residential amenity;
- Highways and parking;
- Ecology;
- Trees and woodland;
- Flood risk and drainage;
- Parks and open spaces contribution.

PRINCIPLE OF DEVELOPMENT

The site falls within the built up area of Bath where the principle of new residential development is acceptable in accordance with policy HG.4 of the Bath and North East Somerset Local Plan. Furthermore, the principle of residential development on this site

has been established by the two previous permissions granted on the site in 2005 and 2007.

CHARACTER AND APPEARANCE

The previous permission granted in 2007 was for the erection of two semi-detached and one detached dwelling following the demolition of the existing bungalow. The current scheme proposed three detached dwelling with an increased footprint.

The design of the scheme as originally submitted was considered to be unacceptable, due to the vertical emphasis of the proposed fenestration, the uniform spacing of the properties and the creation of higher ridge lines than previously approved. This was considered to give the dwellings a 'townhouse' appearance, unsuited to this suburban setting.

Following negotiations, the height and width of the dwellings have been slightly reduced, the spacing of the units amended and the fenestration has been redesigned to give less of a vertical emphasise to the front elevations.

The heights of units 1 and 2 are now comparable to the height of the dwellings approved under the 2007 permission. Both units have a slightly higher ridge than the adjoining property no. 23 Woodland Grove. Unit 3 is slightly higher than the previously approved detached dwelling and is comparable to the ridge height of no. 19 Woodland Grove. The proposed heights are not considered to be excessive.

The footprint of these two units (units 1 _ 2) is similar to that of the previously approved semi-detached pair under the 2007 permission. However, both units are positioned slightly further forward and project deeper into the application site than the previously approved semi-detached dwellings. Unit 3 is positioned at a slight angle to street on the eastern part of the site. The proposed units include an additional single storey element to the rear which extends their footprint beyond that of the previous permission. It is considered that the site is capable of accommodating this additional footprint and the proposed sub-division of the site is similar to that previously approved.

Woodland Grove comprises a mixture of dwellings and, whilst there a no examples of gable fronted properties within this particularly cul-de-sac, there is a variety of different roof forms and gables are not uncommon within other parts of Woodland Grove.

Overall, the scale and form of development proposed is considered acceptable.

The proposed design and fenestration have adopted a contemporary approach with a choice of materials which contrasts with the prevalent use of reconstituted bath stone in the surrounding area. Although contemporary in approach, the revised design is considered not to harm the character and appearance of the surrounding area. A condition requesting samples of materials to be approved prior to construction is considered necessary to ensure materials of sufficient quality used.

RESIDENTIAL AMENITY

Number 23 Woodland Grove is located directly to the west of the application site. Unit 1 would be positioned approximately 1m from the boundary with no. 23 Woodland Grove and would be adjacent to its driveway, detached garage and utility area. The proposed dwelling would result in some loss of direct light to the east facing window of the utility of no. 23 Woodland Grove during morning and would have some impact upon its outlook. However, the utility area is not considered to be a primary habitable room of the property and, in any case, would still receive reasonable levels of daylight. Furthermore, following the submission of revised drawings, additional obscure windows have been inserted into the west elevation of unit 1 to help break up the massing of the side elevation. In light of the above, it is considered that the proposal will not have a significant detrimental impact upon the amenity of no. 23 Woodland Grove.

Number 19 Woodland Grove lies to the east of the application site and is situated further back from the street than the proposed dwellings. The nearest proposed dwelling to no. 19 Woodland Grove is unit 3 which is approximately 9m away at its closest point. The orientation of the properties and the existing screening provided by the planting along the boundary is considered to prevent the proposed dwelling from have any significant detrimental impact upon the neighbouring amenity.

Numbers 18 and 20 Beech Avenue are positioned to the rear of the application site. There is a significant amount of screening provided by the existing tree line along the southern boundary of the site and this is intended to be retained. The distance between the proposed dwellings and nos. 18 and 20 Beech Avenue is significant and is in excess of the 21m tolerance which is usually taken as an appropriate standard for back-to-back distances between dwellings. The proposed dwellings are therefore considered not to adversely affect the amenities of nos. 18 and 20 Beech Avenue.

HIGHWAYS AND PARKING

The area is an established residential location with convenient walking, cycling and public transport links. There is therefore no objection to residential development in this sustainable location.

The Highways Officer has raised no concerns about the additional traffic which is likely to be generated from the inevitable increase in occupancy of the site. In consideration of this area as a whole, an additional two dwellings will not have a significant adverse impact upon traffic levels.

In terms of parking, while the site is sustainable, two parking spaces for each of the relatively large dwellings is a compromise to the maximum. There is therefore the potential to generate a degree of on-street parking (from visitors and service vehicles etc.). However, it is the view of the Highways Officer that it could not be argued that this would have a significant or severe adverse impact on road safety, and therefore does not conflict with local or national planning policy.

ECOLOGY

A completed ecological survey and bat survey of the buildings has been submitted and assessed by the Council's ecologist. No further surveys are required and no significant ecological constraints were identified.

TREES AND WOODLAND

The Council's arboricultural officer is in broad agreement with the findings of the submitted arboricultural report.

The trees identified to be removed on the road frontage, whilst contributing to the street scene, have limited public visual amenity. Similarly, the purple plum in the rear garden has limited public visual amenity.

The Council's arboricultural officer is satisfied that despite a small incursion into the Root Protection Area of the silver birch on neighbouring land, the proposed construction will not impact adversely on the welfare of this tree. They also consider that if the Leyland Cypress hedge along the southern boundary of the site is reduced in height and trimmed back it will create a useful screen without casting unacceptable shade.

A condition requiring a detailed arboricultural method statement to be submitted prior to the commencement of development is considered necessary to ensure adequate protection of the retained trees during the development.

FLOOD RISK AND DRAINAGE

A number of concerns have been raised by residents about the capacity of the sewer systems within Woodland Grove. The Council's flood risk and drainage team have raised no objection to the proposals and have recommended a condition be applied to require details of how surface water will be disposed of from the site. This is considered necessary and will ensure that the risk of local flooding from surface water discharge is not increased.

A number of the concerns raised relating to sewage are matters controlled by other legislative regimes, e.g. building regulations, and therefore are not material planning considerations.

PARKS AND OPEN SPACES

The proposal would result in a net occupancy of 8 persons who would create demand for formal green space, natural green space and allotment provision equal to 120m², 120m² and 24m² respectively. The proposals do not include any on-site provision, which in this instance is acceptable given the size of the site. Financial contributions are therefore required in accordance with the Community Infrastructure Levy Regulations (as amended) and the Council's SPD 'Planning Obligations' adopted July 2009.

Total contributions of £13,858.08 have been requested for formal green space, natural green space and allotment provision. This has been agreed with the applicant and is to be

secured through a S106 agreement. Subject to the completion of this agreement there is no objection from the Parks and Open Spaces officer.

CONCLUSION

The proposal is acceptable in principle and is not considered to harm the character or appearance of the surrounding area or the amenities of adjoining residents. Although the proposal might result in an increase in on-street parking, this impact is not considered to be significant or severe and therefore complies with local and national policy. Furthermore, subject to conditions, the proposal is acceptable in terms of its ecological, arboricultural and flood risk impact.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

A. Authorise the Development Manager to permit the application subject to the applicant entering into a legal agreement to secure:

Formal Open Space

Contributions of £13,858.08 to fund the provision of formal open space off-site to serve the population. The amount of the contribution has been calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development.

B. Subject to the prior completion of the above agreement, authorise the head of Planning Services to PERMIT subject to the following conditions (or such conditions as he may determine):

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

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

2 No development activity shall take place until a detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works, supervision and monitoring details by an Arboricultural Consultant and provision of site records and certificates of completion and compliance. The statement should also include the control of potentially harmful operations such as construction access, storage, handling and mixing of materials on site, access improvements, burning, location of site office, service run locations including soak-away locations and movement of people and machinery.

Reason: To ensure the protected trees to be retained are not adversely affected by the development proposals.

3 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

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

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

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

5 No development shall commence, except site clearance, preparation works, ground investigations and infiltration tests, until details of the surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall be completed prior to the occupation of the development in accordance with the approved details.

Reason: In the interests of flood risk management and drainage.

6 No part of the development hereby approved shall be occupied 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.

7 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.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of amenity and highway safety.

10 The ground floor and first floor windows on the west elevation of unit 1 (annotated on drawing number 13121(L)015 revision C with 'Obscured glazing to stair) shall be obscurely glazed and fixed shut unless the parts of the window that can open are more than 1.7m above the floor level of the room in which they are installed.

Reason: In the interests of amenity and to protect the privacy of 23 Woodland Grove.

11 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:

13121 L001B
13121_L_010_D
13121_L_011_C
13121_L_012_C
13121_L_013_C
13121_L_014_C
13121_L_015_C
13121_L_016_C
13121_L_017_B
13121_L_018_C
13121_L_019_B
13121_L_021_A
3655-27NOV13-02
3655_27NOV13-01

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

ADVICE NOTE:

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

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

ADVICE NOTE

In the interests of flood alleviation we would encourage the applicant to investigate the use of a Sustainable Urban Drainage Scheme (SuDS) in order to manage surface water drainage.

SuDS infiltration schemes include techniques such as infiltration trenches and basins, filter drains, rain gardens and soakaway techniques. Other surface level SuDS techniques include swales and attenuation ponds.

For more details about SuDS please refer to the guidance from Ciria (<http://www.susdrain.org/resources/ciria-guidance.html>)

If SuDS techniques are pursued, details of the proposed drainage scheme should be submitted to the Council's Flood Risk Management and Drainage Team.

We have reviewed the British Geological Survey maps for the site area and subject to infiltration tests, the ground would appear to be suitable for infiltration SuDS schemes such as INTEML as soakaways.

If discharge to the mains sewer is considered the only viable option, written confirmation from Wessex Water that they are satisfied that the additional discharge into their network is acceptable must be submitted to the Council's Flood Risk Management and Drainage Team. All discharge rates and connection points will need to be agreed with Wessex Water.

Item No: 05
Application No: 13/05022/FUL
Site Location: Druid Farm Pensford Lane Stanton Drew Bristol Bath And North East Somerset



Ward: Clutton **Parish:** Stanton Drew **LB Grade:** N/A
Ward Members: Councillor Jeremy Sparks
Application Type: Full Application
Proposal: Erection of a new building following the demolition of existing building for storage purposes
Constraints: Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
Applicant: Mrs Helen Curtis
Expiry Date: 30th May 2014
Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING TO COMMITTEE

Stanton Drew Parish Council has supported the proposal and in line with the Council's scheme of delegation the application has been referred to the Chairman of the Development Control Committee. The Chairman has decided that the application should be determined by the Committee because although the proposal is contrary to Green Belt policy there may be circumstances by which the Committee might take a different view.

DESCRIPTION

Druid Farm is situated on the north western edge of Stanton Drew with access of Pensford Lane. Three barns on the holding were converted to holiday accommodation in 2000 (ref: 00/02134/FUL). There is an existing single storey, rendered building with a mono-pitch roof which provides storage.

The site lies within the designated Bristol and Bath Green Belt.

It is proposed to demolish the existing single storey storage building and replace it with a larger storage building with a dual pitched roof. The storage building is to be associated with the holiday lets for the storage of holiday let sundries. It is not stated as being used in connection with the agricultural use of the rest of the holding.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ECOLOGY

Objection - Insufficient information to be confident the building is not used by bats.

STANTON DREW PARISH COUNCIL

Support - Complies with agricultural policies ET.6 and ET.7 and Design policy D.4.

THIRD PARTIES/NEIGHBOURS

No letters of representations have been received from any third parties or neighbours.

POLICIES/LEGISLATION

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

- D.2: General Design and public realm considerations
- D.4: Townscape considerations
- GB.1: Development in the Green Belt
- GB.2: Visual amenity of the Green Belt
- NE.10: Nationally important species and habitats

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

Policies D.2, D.4, GB.2 and NE.10 of the local plan are proposed as saved policies within the submission core strategy.

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

Section 7: Requiring good design

Section 9: Protecting Green Belt land

OFFICER ASSESSMENT

The main issues to consider are:

- The impact upon the Green Belt;
- The impact upon the character and appearance of the area;
- The impact upon residential amenity;
- The impact upon ecology;

GREEN BELT

Policy GB.1 reflects guidance in the NPPF which states that development in the Green Belt is inappropriate with only a few categories of exception. Paragraph 89 states that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, can be considered appropriate development

The existing building to be demolished is utilised for storage and the proposed building is also for storage use. The proposal therefore meets the first part of the exception criteria. However, the proposed building is approximately 70 cubic metres larger in terms of volume than the existing building. This is approximately a 50% increase in volume over the original building.

The replacement building therefore represents a materially larger building than the one it replaces. It is therefore considered inappropriate development.

The increased volume of the proposed replacement building also results in moderate harm to the openness of the Green Belt.

CHARACTER AND APPEARANCE

The existing structure is unassuming and has no significant features worthy of retention. Its loss is acceptable. The proposed replacement structure reflects many of the characteristics of the existing building in its simple form and style. However, the increase in the size of the proposed building and the insertion of domestic style windows and doors, gives the replacement building the appearance of a domestic bungalow. The appearance of a domestic bungalow in this location would be out of keeping with the context of the site and harmful to the rural character of the area.

RESIDENTIAL AMENITY

The use of the proposed replacement structure for storage associated with the holiday lets does not have any adverse impacts upon the amenity of the holiday lets or the occupiers of the farm holding. Its single storey scale means that the proposed structure does not appear overbearing or result in any loss of light or outlook to any adjoining occupiers.

ECOLOGY

The existing building is a farm building in a rural location with known bat activity. The Council's Ecologist has advised that buildings of this nature often provide suitable conditions for use by bats. The proposal does not include sufficient information for the LPA to be confident that the building is not used by bats. All bats are protected and the LPA is obliged to ensure that planning decisions are sufficiently informed of potential impacts on protected species, prior to a decision.

An inspection of the building for potential use by bats must be undertaken by a suitably experienced ecologist to ascertain whether bats are present. An ecological survey has been requested and the outcome of this request will be reported to committee in the update report.

CONCLUSION

As discussed above, the proposed replacement building is inappropriate development in the Green Belt. Paragraph 87 of the NPPF states that inappropriate development should only be approved if very special circumstances exist. Paragraph 88 of the NPPF states that very special 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.

Inappropriate development is harmful by definition and some harm is also identified to the openness of the Green Belt due to the size of the replacement building. Additional harm arises from the harm to rural character and from the lack of information provided regarding protected species and the potential harm to bats.

No very special circumstances have been advanced in favour of the proposal, and besides the minor benefits to the operation of the holiday let business and the rural economy, there are no other significant considerations which weigh in favour of the application.

It is therefore considered that other considerations do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the harm to its openness. Very special circumstances do not exist and the proposal is therefore unacceptable.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed replacement building is materially larger than the existing building to be replaced and is therefore considered inappropriate development in the Green Belt. Furthermore, the proposal results in harm to the openness of the Green Belt. Very special circumstances do not exist to clearly outweigh the substantial harm to the Green Belt. The proposal is therefore contrary to policy GB.1 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

2 The proposed replacement building, due to its size, design and domestic features, has the appearance of a domestic bungalow which is out of keeping with the surrounding area and harmful to rural character. The proposal is therefore contrary to policies D.2, D.4 and GB.2 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

3 Insufficient information has been provided for the Local Planning Authority to be confident that the existing building is not used by bats. The proposal is therefore considered to result in potential harm to protected species contrary to policy NE.10 of the Bath and North East Somerset Local Plan, guidance in the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2010.

PLANS LIST:

Site Location Plan
Block Plan
Existing Elevations,
Existing Floor Plan
Proposed Elevations
Proposed Floor Plan

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Council encourages the use of pre-application advice. Unfortunately, this was not sought in the current case. For the reasons given, and expanded upon in a related case officer's report, the proposal was unacceptable and was refused planning permission.

Item No: 06
Application No: 14/00981/FUL
Site Location: Abbey Hotel 1 North Parade City Centre Bath Bath And North East Somerset



Ward: Abbey **Parish:** N/A **LB Grade:** IISTAR
Ward Members: Councillor B J Webber Councillor Manda Rigby
Application Type: Full Application
Proposal: Change of use of public highway to allow temporarily sitting of chalet to house outside catering bar
Constraints: Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, World Heritage Site,
Applicant: Abbey Hotel

Expiry Date:	28th April 2014
Case Officer:	Jonathan Fletcher

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

A request has been received from Councillor Brian Webber for the application to be referred to the Development Control Committee if officers are minded to approve and a further request from Councillor Brian Dixon if officers are minded to refuse. Officers are minded to refuse the application and the Chairman has therefore agreed for the application to be referred to the Committee.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a grade II* listed building located within the Bath Conservation Area and the Bath World Heritage Site. The application seeks planning permission for the change of use of public highway to allow temporarily siting of chalet to house outside catering bar. The chalet is intended to be used as an 'après-ski bar' during the Christmas and New Year period. The chalet would be located in front of the principle elevation of the Abbey Hotel. There are a range of commercial uses adjacent to the site.

RELEVANT HISTORY:

97/00152/LBA - APPROVE - 14 May 1997 - Internal and external alterations to convert two seminar rooms with toilets into four bedrooms with en-suite bathrooms at the Abbey Hotel

97/00160/FUL - APPROVE - 17 April 1997 - External alterations to rear of property

04/01280/FUL - PERMIT - 1 July 2004 - Change of use of highway in front of The Abbey Hotel for the siting of tables and chairs for the purpose of serving refreshments

06/03563/LBA - CONSENT - 21 December 2006 - Internal alterations to Flat 1 to reposition stud partition between hall and bedroom/shower room

07/00498/FUL - PERMIT - 25 April 2007 - Change of use of public highway to public highway and the siting of 12 tables and 48 chairs

10/01135/FUL - PERMIT - 21 May 2010 - Use of the public highway for the siting of 12 tables and 48 chairs.

10/04296/FUL - PERMIT - 30 November 2010 - Use of the public highway for the siting of 12 tables and 48 chairs.

12/01273/VAR - PERMIT - 22 May 2012 - Variation of condition 4 of application 10/04296/FUL (Use of the public highway for the siting of 12 tables and 48 chairs.)

12/04887/LBA - CONSENT - 1 February 2013 - Internal alterations for the renovation of mechanical (hot water and heating) systems.

12/04902/FUL - PERMIT - 16 January 2013 - Installation of 2no satellite dishes

12/05180/LBA - CONSENT - 1 February 2013 - External alterations for the installation of 2no. satellite dishes.

13/01969/VAR - REFUSED - 3 July 2013 - Variation of condition 4 of application 10/04296/FUL (Use of the public highway for the siting of 12 tables and 48 chairs).

13/02679/LBA - CONSENT - 16 September 2013 - Internal and external alterations to make two structural openings in basement to gain access to previously closed room plus one external structural opening (regularisation)

13/03241/VAR - REFUSED - 19 September 2013 - Variation of condition 4 of application 10/04296/FUL (Use of the public highway for the siting of 12 tables and 48 chairs) (Resubmission of 13/01969/VAR)

14/00955/FUL - PENDING CONSIDERATION - Change of use of public highway for the siting of 12 tables and 48 chairs (Retrospective)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development Officer: No highway objection.

English Heritage: An objection is raised as the proposal is deemed to cause 'less than substantial harm' with reference to the guidance within the NPPF.

Conservation Officer: An objection is raised as the proposal is deemed to be harmful to the setting of the grade II* listed building and the character and appearance of the wider conservation area.

Cllr Brian Webber: A request has been received for the application to be referred to the Development Control Committee if officers are minded to approve. Concern is raised in relation to the potential impact of granting a permanent permission for this type of use.

Cllr David Dixon: A request has been received for the application to be referred to the Development Control Committee if officers are minded to refuse. The use is deemed to compliment the Christmas market and to be good use of the a public highway without causing obstruction.

Bath Preservation Trust: The building/use detracts from the surrounding historic buildings and therefore should not become a semi-permanent fixture.

Representations:

One letter has been received in support of the application which considered to be an attractive feature within the Christmas period.

One letter has been received in objection to the application which raises concern in relation to the harmful impact on the setting of the grade II* listed building and the character and appearance of the wider conservation area.

POLICIES/LEGISLATION

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
- BH.1 - Bath World Heritage Site and its setting
- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas
- S.7 - Siting of tables and chairs outside A3 or A4 uses in Bath City Centre

Bath & North East Somerset Draft Core Strategy November 2013

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies are relevant to this application:

- B1- Bath Spatial Strategy
- B2 - Central Area Strategic Policy
- B4 - The World Heritage Site and its Setting

National Planning Policy Framework (NPPF) - March 2012

National Planning Policy Guidance (NPPG) - March 2014

OFFICER ASSESSMENT

INTRODUCTION:

The primary issues to consider when determining this application are the principle of the change of use, economic vitality, the impact on the setting of the grade II* listed building and the character and appearance of the wider conservation area, residential amenity and highway safety.

PRINCIPLE OF THE USE:

The Town and Country Planning (General Permitted Development) Order 1995 (as amended) under Part 4, Class B allows for temporary changes of use, as set out below.

'The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes referred to in paragraph B.2, and the provision on the land of any moveable structure for the purposes of the permitted use.'

The proposed apres ski bar was previously operated during the 2014 Christmas period under this section of permitted development rights and officers considered this to be a lawful use for up to 28 days. The current application seeks to operate the use for a period of 45 days each year across the Christmas and New Year period and therefore planning permission is required.

Policy S.7 of the Local Plan provides for outdoor tables and seating to serve commercial uses within the City Centre. In this case the Abbey Hotel benefits from planning permission for tables and chairs however the current proposal would go beyond the scope of policy S.7 as a bar would be created on the pavement.

ECONOMIC VITALITY:

It is noted that responses within the consultation period have highlighted the benefits to the vitality of the area during the Christmas period created by this use. This is noted to be a use which complements the Christmas markets which take place. It is clear that footfall in this part of the City is increased during the Christmas market period which is beneficial for businesses in the area. It is recognised that the après-ski bar would provide an additional offer for visitors to the area however the use in isolation is unlikely to have a significant impact on footfall.

LISTED BUILDING / CONSERVATION AREA:

The Council's Conservation Officer and English Heritage have been consulted in relation to this application and have both raised objections. The following comments have been received from the Council's Conservation Officer:

'This area of the city has the potential to be very beautiful and dynamic public realm with it's juxtaposition of numerous listed buildings (a number of them grade II* listed), the fountain, views towards North Parade Bridge and the majesty of the Abbey emerging over the top of York Street and Terrace Walk. The area has a high footfall much of it from visitors to the World Heritage Site taking this route into the city having arrived by train or coach.

Unfortunately the area is being over whelmed by clutter (various kiosks, telecommunications boxes, miscellaneous signage) which impedes ease of movement for pedestrians and detracts from the appearance and character of the townscape. The significant area of authorised seating outside of the grade II* Abbey Hotel surrounded by the planter barricade already forms part of this pattern which is contributing to a decline in quality.

The timber chalet would be an incongruous structure in a city centre characterised by classical architecture. Siting of the chalet is tolerable over the Christmas period because it is limited under permitted development to 28 days and in the wider context of the annual market somehow less jarring. Any explicit increase in the length of time would harm the character and setting of the listed buildings and the wider area.

Unlike the tables and chairs which allow a degree of visual permeability the solid chalet would also block an important and natural desire line and views between North Parade Bridge, North Parade and North Parade Buildings.

As noted in the EH comments permission at this stage would also make it very difficult to resist further applications to site the chalet for longer periods of time and indeed applications for further similar structures elsewhere in the public realm.'

The objections received from the Council's Conservation Officer and English Heritage consider there to be clear harm caused by this development to the setting of the grade II* listed building and the character and appearance of the wider conservation area and world heritage site.

RESIDENTIAL AMENITY:

The proposed use would be operated in a city centre location where there are existing restaurant and bar uses adjacent to the site. The proposal is considered to maintain the residential amenity of adjacent occupiers. The Design and Access Statement supporting the application confirms that the use would be operated between the hours of 10am to 11pm. This would be consistent with the city centre location of the site and could be controlled by a condition.

HIGHWAY SAFETY:

The Council's Highway Development Officer has raised no objection to the application. The proposal would not cause a distraction for pedestrians in the area.

CONCLUSION:

In light of the objections received from the Council's Conservation Officer and English Heritage, the proposal is considered to have an unacceptable impact on the setting of the grade II* listed building and the character and appearance of the wider conservation area and world heritage site. This is not deemed to be outweighed by the limited economic benefits which would be achieved by the development. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed chalet, by reason of its incongruous design and construction materials and siting in the public realm, fails to preserve the setting and character of the grade II* listed Abbey Hotel as well as having a harmful impact on the wider appearance and character of this part of the Bath Conservation Area and the Bath World Heritage Site, contrary to the National Planning Policy Framework 2012 and policies BH.1, BH.2 and BH.6 of the Bath & North East Somerset Local Plan including minerals and waste policies - Adopted October 2007.

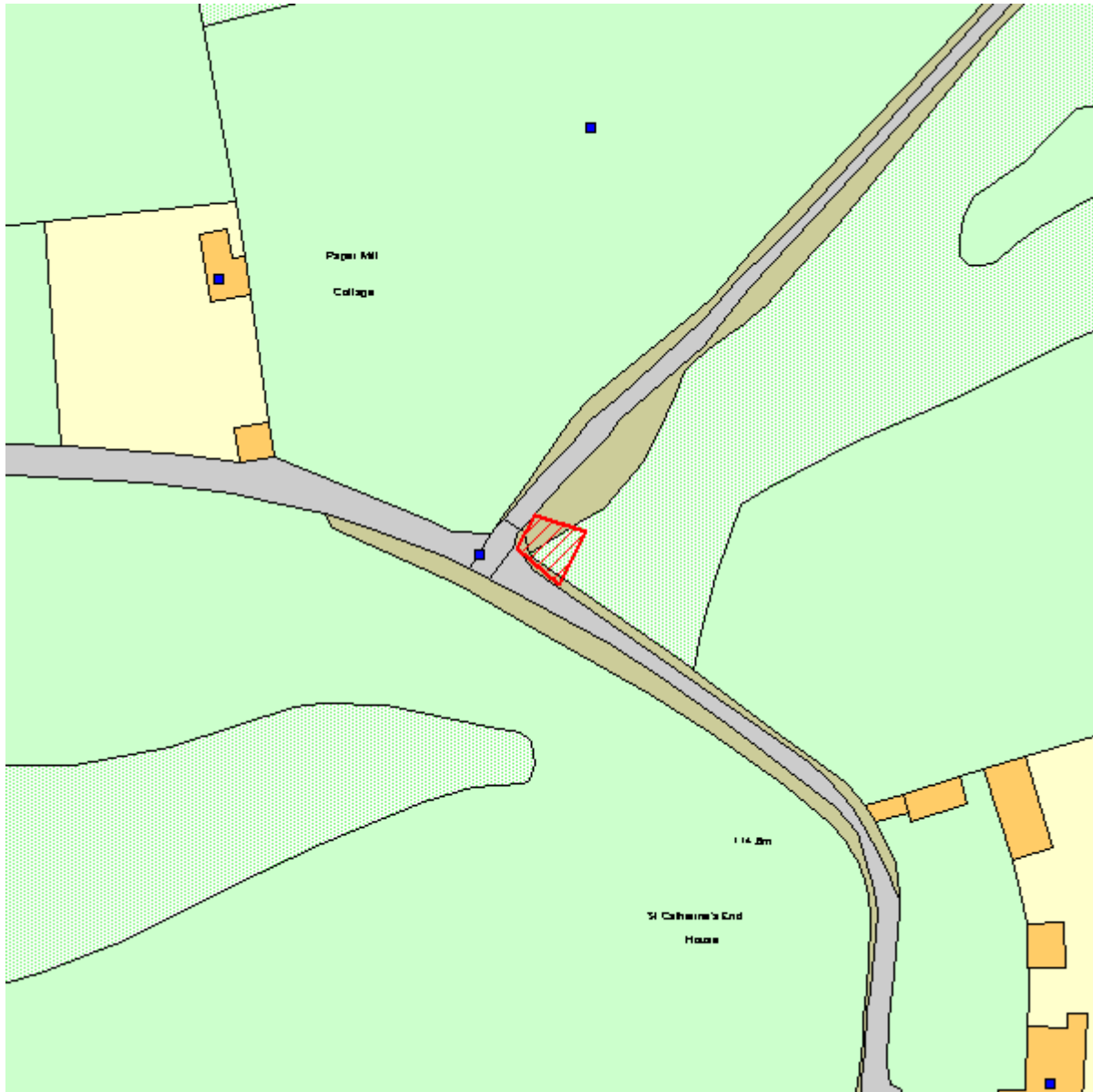
PLANS LIST:

442.10, 442.31, 442.32

Decision-taking statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 07
Application No: 14/01817/FUL
Site Location: End Farm St Catherine Lane St. Catherine Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** St. Catherine **LB Grade:** N/A

Ward Members: Councillor M Veal Councillor Geoff Ward

Application Type: Full Application

Proposal: Provision of field gate onto St Catherine Lane adjacent to junction with Beek's Lane, allowing access to three agricultural fields east of Beek's Lane, formerly accessed via Beek's Lane (Retrospective) (Resubmission)

Constraints: Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Greenbelt,

Applicant: Mr Donald MacIntyre

Expiry Date:	2nd June 2014
Case Officer:	Jonathan Fletcher

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

A response has been received from St Catherine Parish Council in support of the application. As officers are minded to refuse the application, the proposal has been referred to the Chairman who has therefore agreed for the application to be referred to the Committee.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to an agricultural field located within the Bristol/Bath Green Belt. The application seeks retrospective planning permission for the provision of a field gate onto St Catherine Lane to serve three fields. The site boundary is formed with a mature hedgerow adjacent to St Catherine Lane. The proposed access was constructed to replace a previously existing access onto Beek's Lane. There is another point of access onto the three fields at the old milking parlour to the east of the site.

RELEVANT HISTORY:

97/02928/AGRN - REFUSED - 28 October 1998 - Erection of tool shed, glasshouse and open-fronted lean-to link

97/03011/AGRA - PERMIT - 5 January 1998 - Extensions to barn to provide storage and propagation area as amended by plans received 5th January 1998.

06/00305/FUL - WITHDRAWN - 25 April 2006 - Conversion of redundant agricultural barn to residential at End Farm and erection of dog day care centre building

09/03726/FUL - PERMIT - 9 March 2010 - Change of use of milking parlour and concrete yard from agricultural to dog day-care service (Retrospective)

13/00919/FUL - WITHDRAWN - 21 May 2013 - Provision of field gate onto St Catherine Lane adjacent to junction with Beek's Lane, allowing access to three agricultural fields east of Beek's Lane, formerly accessed via Beek's Lane (Retrospective)

13/04740/FUL - WITHDRAWN - 7 January 2014 - Provision of field gate onto St Catherine Lane adjacent to junction with Beek's Lane, allowing access to three agricultural fields east of Beek's Lane, formerly accessed via Beek's Lane (Retrospective) (Resubmission)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SUMMARY OF CONSULTATION/REPRESENTATIONS:

Highway Development Officer: An objection is raised as the proposal is considered to have an unacceptable impact on highway safety.

Ecologist: No objection is raised as no further hedgerow is proposed to be removed.

St Catherine Parish Council: As its meeting held on 30th April 2013, the parish council agreed to "support any future application subject to access being limited for agricultural use and appropriate landscaping. A resubmission should address any relevant highway safety and associated concerns raised previously.' The application was referred to the Chairman of the Development Control Committee as officers are minded to refuse the application.

Representations:

3 letters have been received in objection to the application which raise concern in relation to the following areas:

- Impact on highway safety
- Alternative access could be widened
- No agricultural need for proposed access

49 letters have been received in support of the application which raise the following issues:

- Improves highway safety
- No impact on environment
- Supports an agricultural use
- Acceptable visual impact

POLICIES/LEGISLATION

POLICIES/LEGISLATION:

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

GB.1: Control of development within the Green Belt
GB.2: Visual amenities of the Green Belt
T.24: General development control and access policy
NE.1: Landscape character
NE.4: Trees and Woodland Conservation
NE.8: Nationally important wildlife sites (SSSIs)
NE.9: Locally important wildlife sites
NE.10: Nationally important species and habitats
NE.11: Locally important species and habitats

Bath & North East Somerset Draft Core Strategy November 2013

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies are relevant to this application:

CP9: Green Belt

National Planning Policy Framework (NPPF) - March 2012

National Planning Policy Guidance (NPPG) - March 2014

OFFICER ASSESSMENT

INTRODUCTION:

The primary issues to consider when determining this application are appropriateness of the development within the green belt, the benefits to the rural economy, the visual amenity of the area, the impact on highway safety and the ecological interest of the site. There have been two previous applications (refs: 13/00919/FUL and 13/04740/FUL) for this proposal which were subsequently withdrawn in response to concerns from officers about the impact on highway safety and the need for further information in relation to the loss of the hedgerow. The current application seeks to overcome these concerns through the submission of additional information and proposals to relocate the access gate.

GREEN BELT:

Paragraph 90 allows for engineering operations as an exception to the presumption against development within the green belt, 'provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt'. This is also reflected by policy GB.1 of the Local Plan. The access which has been constructed is considered to comprise an engineering operation for the purposes of green belt policy. The development has not created any increase in ground levels or further enclosure and therefore the openness of the green belt has been maintained.

Paragraph 80 of the NPPF identifies the 5 purposes of the Green Belt:

- to check the unrestricted sprawl of large built up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns;
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The development would not conflict with the any of these purposes. The development is therefore not considered to be an inappropriate form of development within the green belt.

RURAL ECONOMY:

The proposed development is sought as second point of access to three agricultural fields. The applicant has indicated within the Design and Access Statement that two points of access are required in order to allow the fields to be used for a mixture of livestock grazing and growing crops. This is asserted to be normal access arrangement for most agricultural fields. It is recognised that the flexibility provided by creating a second vehicular access would be beneficial to the applicant's business. It should also be noted that this additional

point of access was previously provided through an informal arrangement with the owners of the adjacent private lane (referred to in the application as Beek's Lane).

VISUAL AMENITY:

The formation of the access has required the removal of part of the hedgerow to create a visibility splay. The overall character of the area has not been significantly affected by this loss of hedgerow and no further loss of vegetation is being proposed. The development is not therefore deemed to be harmful to the visual amenity of the area.

HIGHWAY SAFETY:

The Council's Highway Development Officer has submitted the following comments in relation to this application:

'The application has been submitted as a resubmission of earlier applications for retrospective consent for a new field gate access onto St Catherine Lane.

The previous applications, 13/00919/FUL and 13/04740/FUL, were both the subject of a highway recommendation of refusal, on the grounds of an additional access onto St Catherine Lane with substandard alignment and visibility, which would be likely to create a hazard to all users of the highway.

During the course of the previous applications, there were legal submissions which indicated that the applicant has never had a right of access over the access from Beek's Lane, and therefore to establish an access, as proposed, would introduce additional traffic to a sub-standard lane, which would therefore be unacceptable.

The application red line boundary appears to conflict with the title plan for Beeks Mill previously provided to us, which supported the claim that the applicant could not control the means of access from St Catherine Lane.

The application Design and Access Statement states that the access would serve three agricultural fields, and would accommodate tractors and machinery, and also states that the three fields have always been served by the access at Beek's Mill, together with a further access at the old milking parlour to the east.

St Catherine Lane is both narrow and steep, and is not considered appropriate for large agricultural machinery, and without evidence that there has been an established and authorised means of access into the site from St Catherine Lane, which served the three fields by all manner of agricultural vehicles, I would feel bound to raise an objection on the grounds of the substandard nature of St Catherine Lane to serve as a means of access to the site.

With regard to the form of access now proposed, the applicant has shown a tarmac strip of 6m by 3m adjoining the carriageway, with limestone rubble between this tarmac strip and the proposed gates. I have previously advised that the current surface is wholly unacceptable, and in order to prevent loose material being tracked out into the carriageway, a bound surface would be required between the carriageway and the gates.

There were also issues raised regarding visibility from the proposed access, which is restricted to the east by the hedgerow, and whilst some of this has subsequently been removed, I maintain that this access has unsuitable visibility for a new access to serve agricultural fields.

Given the complex history of this proposal, and the claims about land ownership, I feel this needs careful investigation, but in the absence of any evidence to support the former established use of an access from the Beek's Mill access to serve three fields by agricultural vehicles, and full ownership of the means of access from St Catherine Lane, I feel bound to recommend that this application be refused on highway grounds for the following reasons:-

The proposed access together with the introduction of conflicting traffic movements on St Catherine Lane, generated by the proposed development, would be prejudicial to road safety. The proposed access would introduce an additional entrance onto St Catherine Lane, with substandard surfacing and visibility, and would increase the use of the substandard lane by unsuitable vehicles. The use of such an access would therefore be likely to create a hazard to all road users.

The proposal is therefore contrary to Policy T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.'

The issue of whether there has previously been a legal right of access at this point on the junction of Beek's Lane and St Catherine's Lane is a key material consideration in respect of this application. Officers have been presented with evidence to confirm that Beek's Lane falls with the ownership of the adjacent property, Beek's Mill and there are no easements or rights of way in favour of third parties. Although this is contested in the email from the applicant dated 27 May 2014, no evidence has been submitted to lead officers to an alternative conclusion in relation to the rights of access and consequently officers have considered the application on the basis that the proposal would lead to an intensification of vehicular movements on this part of St Catherine Lane. The issues relating to visibility and conflicting vehicular movements raise serious concerns that granting planning permission in this case would not maintain an acceptable level of highway safety. The proposal is therefore deemed to be contrary to policy T.24.

ECOLOGY:

An Extended Phase 1 Habitat Survey has been submitted in support of the application in response to requests from officers for further information under the previous applications. The Council's Ecologist has raised no objection to the application as no further removal of hedgerow is being proposed.

CONCLUSION

The proposed vehicular access is considered to fail to maintain an acceptable level of highway safety. It is noted that the development would provide benefits to the applicant's business however this vehicular access is not deemed to be essential as an existing access to the three fields is provided to the east of the site. The flexibility which would be achieved to use the fields for livestock and growing crops is not considered to outweigh

the harm to highway safety which is set out above. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed access, by reason of the introduction of conflicting traffic movements on St Catherine Lane, the introduction of an additional entrance onto St Catherine Lane creating an intensification in vehicular movements and the substandard surfacing and visibility being proposed for the access, would create a hazard to all road users. The proposal is therefore contrary to the guidance set out in the National Planning Policy Framework 2012 and Policy T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

PLANS LIST:

SITE LOCATION 1:2500

SITE LOCATION FIELD GATE

BLOCK PLAN, ELEVATION AS EXISTING AND PROPOSED

STOPPING SIGHT DISTANCE

VERTICAL SIGHT LINES

Decision-taking Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.