

# Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **30th July 2014**

AGENDA  
ITEM  
NUMBER

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION - SITE VISIT**

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.

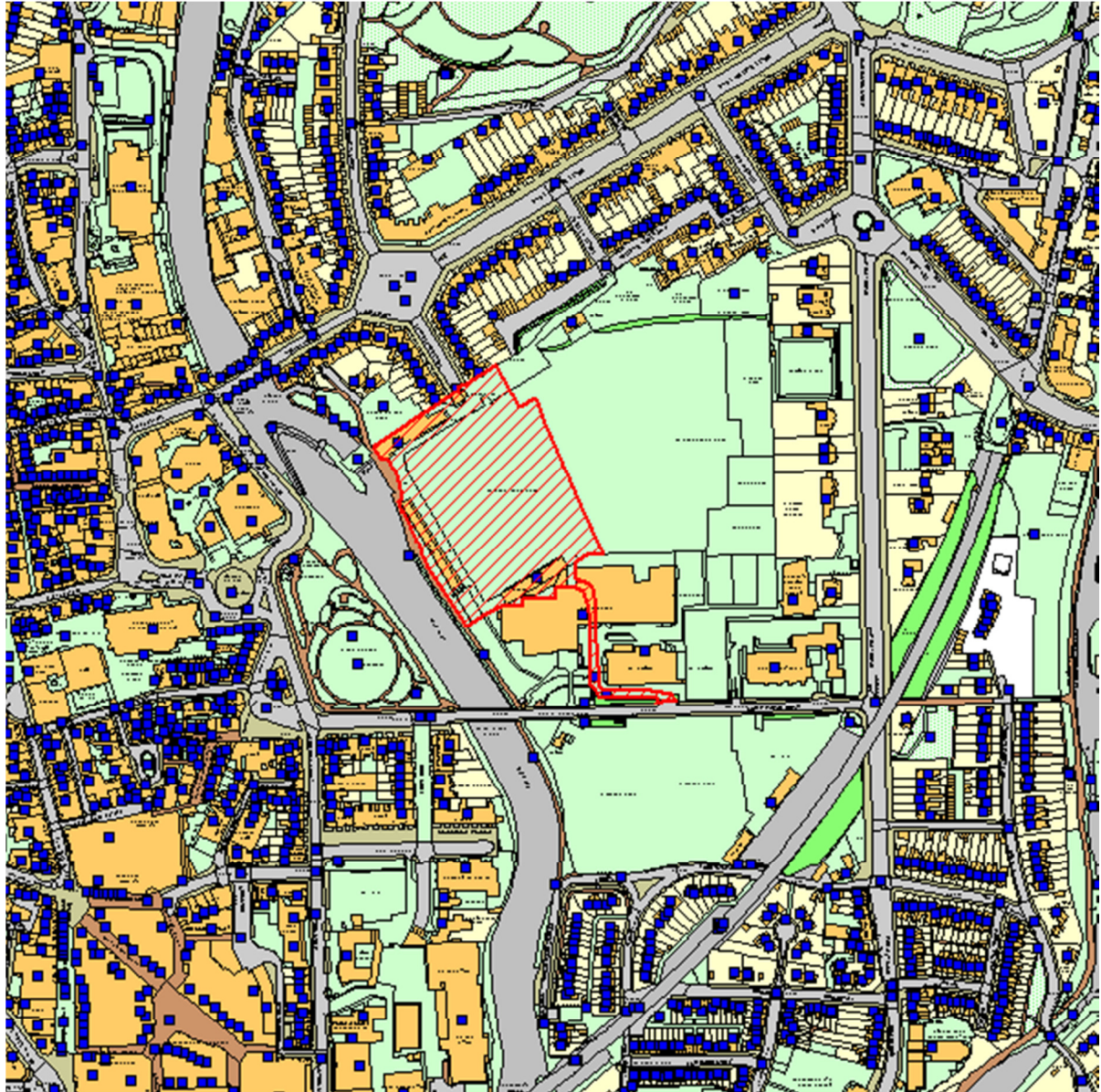
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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.

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	14/02158/FUL 15 August 2014	Bath Rugby Ltd Recreation Ground, Pulteney Mews, Bathwick, Bath, Bath And North East Somerset 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)	Abbey	Gwilym Jones	PERMIT

**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON  
APPLICATIONS FOR DEVELOPMENT**

**Item No:** 001  
**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)
<b>Constraints:</b>	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,
<b>Applicant:</b>	Bath Rugby Ltd
<b>Expiry Date:</b>	15th August 2014
<b>Case Officer:</b>	Gwilym Jones

## REPORT

At the meeting of the Development Control Committee on 2nd July 2014 Members deferred this item to allow for a site visit.

This report includes the matters raised in the Update Report available at the Committee meeting on 2nd July as well as addressing further representations received since that meeting.

### REASON FOR REPORTING TO COMMITTEE

The Divisional Director - Development, Planning and Transport 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). To the north of the site is 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 organization, which amongst other things defines a specified area of The Rec that the Club are permitted to occupy. The footprint of the proposed extensions (i.e. where the structures are positioned on the ground) would be within the existing lease area although it is noted that the proposed

upper level extension to the East Stand would over-sail the lease boundary. Agreement to this arrangement is not a planning matter, to be resolved between the Recreation Ground Trust and the Club. Of relevance to this application is that the full extent of the proposed development (including the proposed East Stand extension) lies within the application red line 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 - erection of temporary terracing and 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 in this location previously approved in 2010 by approximately a maximum + 3m from 4.57m to 7.6m including a safety guardrail (+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 under the proposed seating area in this stand. 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 and an external staircase. 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 open and covered seating areas, 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 planning permissions for temporary stands and seating at the ground 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 100 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. 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

A total of 2,006 representations have been received, 1,964 in support and 42 objecting to the proposals.

The objections are on a combination of procedural and planning grounds as well as matters relating to the professional status of the Club and the terms of the lease, 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. In addition objection is raised to various structures erected at the ground and alterations to buildings that do not appear to have planning permission, as well as bars situated within the temporary stands.

Objections on planning grounds are that:

- The colour of the seating is inappropriate, contrasting with the natural surroundings.
- The submitted photomontages inaccurately refer to 'summer' views.
- Disparity between the application site area and lease boundary area.
- 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 increased capacity of the East Stand since 2003 will result in an 80% increase in the height of the East Stand from 5m to 9m (47.5% increase in seating capacity and 2.9m increase in height 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 East Stand is too high and totally inappropriate in the centre of a World Heritage City, with impacts on the views and setting of the Abbey and other heritage receptors and assets as well as across the setting of the wider World Heritage Site. Concern at the incremental increase in height and gradual nibbling erosion of views to/from the city.
- The detailed design and materials of the south west hospitality boxes, that although slightly hidden in summer will be on open view all throughout the playing season, and the photomontages showing a blank featureless white wall in the view from

North Parade Bridge. Also concern at its impact on the views across the ground from North Parade Bridge, a listed heritage asset. There is insufficient information provided in terms of detailed design and materials for this to be acceptable in its current form and this should not be left to be a subject of condition.

- The design of the Control Room and staircase is uncompromising and brutal, located in a prominent position that does not contribute to the conservation area or World Heritage 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 announcer's voice through the tannoy and the deafening noise of the loud music goes on for hours.
- The application proposes no solution to the additional cars that would travel and park up on match days.
- The increase in traffic associated with development and impact on air quality in the city (and failure to comply with statutory requirements and adopted planning policy relating to air quality including Air Quality Management Area targets).
- The Travel Plan is vague and does very little to mitigate the inevitable effects on traffic, with no evidence of any genuine attempt to incentivise use of alternative methods of transport.
- Since 2003 total capacity will have increased by 66.67% resulting in increased noise disturbance and traffic congestion.
- 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. Temporary scaffolding stands do not do the site, or Bath Rugby Club justice.
- Economic impact of the Club on the city is anecdotal.
- Far from increasing the variety of activities on the ground the dominance of rugby demonstrates that undue preference has been shown not only to the sport of rugby, but also to the club.
- The Flood Evacuation Plan is out of date and inadequate.
- Leaving the East Stand is a slow process and will worsen with increased capacity. Concerns about spectator safety if there was an emergency.
- The Rec was left in perpetuity to the people of Bath to be an open space and the restrictive covenants on The Rec should be respected. The proposals increase the size of the structures on land that belongs to the citizens of Bath.
- The proposals represent the thin end of a dangerous wedge in Bath Rugby's continued attempts to establish a major permanent stadium occupying a large part of what should be public land in perpetuity.

In addition, a number of objectors stated that to accommodate its expansion plans Bath Rugby needs to find a more suitable site.

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.

1,694 representations in support of the application cite the following principal reasons:

- The need for extra capacity to meet demand for seats
- Support for additional capacity during the Clubs 150th year
- The benefit the Club brings to the city including expenditure by spectators before and after the game to the benefit of local businesses
- The need for improved facilities for spectators at The Rec.
- The importance of Bath Rugby Club being located on The Rec, and the unique character and atmosphere that the location of Club's ground gives both the ground and the city centre

Concern was also expressed in a number of the representations about the possible loss of the Club from The Rec. and the detriment and financial loss to the city that would occur if this happened.

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.

The Recreation Ground Trust has issued a statement regarding the proposed development. It states that having reviewed the application and carefully reviewed the implications of the proposals for its objectives and future plans, and having taken legal and final advice the Trust is of the view that the proposals are consistent with its objectives and the recent decision of the First-Tier Tribunal.

## **POLICIES/LEGISLATION**

Core Strategy - Approved July 2014

Policy B1 - Bath Spatial Strategy

Policy B4 - The World Heritage Site and its setting

Policy CP5 - Flood Risk Management

Policy CP6 - Environmental quality

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

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 within/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 - General development control and access policy

#### 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

##### PROCEDURAL ISSUES

Procedural concerns have been raised by objectors to the validation and notification of the application, as well as to the availability and late submission of information regarding the application. Concerns regarding difficulty in downloading files to view on-line have been addressed, and issues relating to the form and content of the application (including the lack of information regarding the Control Room and the materials to be used in the construction of the temporary stands) have, where relevant, been addressed through the submission of additional drawings, supplementary information or clarifications by the applicant. These have been made available to view on the Council's website since at least 25th June. It is considered that the information submitted is sufficient to appropriately assess the application and its impacts and that amendments submitted (such as the insertion of windows in

the western elevation of the proposed south west hospitality box) are minor and do not constitute matters on which formal re-consultation or notification is required. It is considered that should planning permission be granted then conditions can be imposed to control appropriate details, as well as the implementation and operation of the proposed development.

Objection has also been raised to the location of the proposed temporary East Stand on the site (as well as the fact that the extension over-sails the existing lease boundary). This is not a planning matter and is not a material consideration in the determination of this application, nor is it grounds for refusal or deferral of a decision on the application. It is relevant to note that the proposed development lies wholly within the red line boundary shown on the site location plan.

**PRINCIPLE OF DEVELOPMENT:** Saved Policy B1(8) of the 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." Bath Rugby Club is developing plans to provide a permanent stadium at The Rec however this current application does not propose a long-term solution for the ground. Instead it proposes a temporary, interim solution for a period of two years and does not prejudice proposals coming forward in the future. Nor does the application presume or pre-empt a permanent facility on the site. The stands and spectator facilities proposed as part of this current 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, 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. Should the Committee be minded to grant permission for the current application Officers recommend that this is granted for a limited period only and, as with previous permissions on the site, a condition be imposed requiring the removal of the temporary stands each year.

The Recreation Ground is a recreational open space and Saved Policy SR.1A in the 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. In addition, whilst no economic impact assessment quantifying the economic impact of the presence of the Club in the city centre, the regular attendance of around 12,000+

spectators at The Rec. generates revenue within the city, for example in pubs and restaurants before and after a game.

Saved 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 and the Club already implements a range of crowd management measures at and around the ground to seek to reduce the impact of the large number of spectators arriving at and leaving The Rec. The proposed stands and Control Room are not considered to represent public safety or amenity issues. Their visual impact and impact on heritage assets is considered below.

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 (resulting in a 1.25m increase in height), 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. As noted above, the current proposal would utilise the same footprint on The Rec as the existing East Stand and any over-sailing of the lease boundary is 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 Saved Policy SR.1A and SR.4 of the 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.66 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 location of the proposed development in the World Heritage Site, conservation area and affecting the setting of several listed buildings (including a listed building situated on the site) means that special attention has to be given to the desirability of preserving or enhancing heritage assets, with appropriate weight being given to the importance of those assets and any harm likely to result. Even where less than substantial harm to heritage assets occurs, there is a strong presumption against planning permission being granted which must be weighed against other material planning considerations in reaching a conclusion on the proposed development.

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 in longer distance views into the city from higher ground such as Alexandra Park/Beechen Cliff and Bathwick Fields. The site also lies within the flood plain and may contain archaeological features of interest. Accordingly the importance of the

heritage assets is significant, and in assessing the proposed development appropriate weight has been given to the importance of these assets and any harm to them that would result.

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 applicant has submitted photomontages from a selected number of viewpoints with the existing temporary stands in place. These are described as 'summer' views (when trees are in leaf i.e. between April/May through to October) and 'winter' views (when the trees have shed their leaves). The existing temporary East Stand is clearly visible in both conditions when viewed from a number of locations and this Stand benefits from an existing planning permission (expiring in July 2015). In approving an extension to the East Stand in 2010 (including an increase in height) 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 therefore considered not 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 East Stand and to increase the seating capacity by adding five rows of seats. The additional seating would increase the height of this structure by 1.25m. Whilst the increase in height will be noticeable above the existing West Stand, 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 to a greater extent than existing on the setting of this building. The proposed extensions would also be at an increased height. However there a degree of separation between the listed building and the temporary stand is maintained and it is considered that the level of harm is less than substantial. 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 also less than substantial. It is noted that English Heritage have not raised objection to or commented on this aspect of the proposals.

The proposed hospitality boxes adjacent to the existing South Stand would be seen from the north against the existing Leisure Centre. The western extension would however be visible from North Parade Bridge, particularly in winter although when the trees are in leaf it would be partially screened. Whilst the proposed western extension to the South Stand will, to an extent, impinge on views from North Parade Bridge (across the ground towards Johnstone Street and Great Pulteney Street) views across the ground and of the southern end of Johnstone Street will be maintained and the overall impact is considered to be less than substantial.

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 a combination of

its siting and the presence of trees along the river, which will not be affected by the proposed development, mean that it is largely screened in views, including from Grand Parade. Whilst it will be visible from within the ground and from selected views outside, particularly during winter months, the impact of the Control Room on the heritage assets are considered to be less than substantial.

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 being of high importance and the proposed development will have an impact, the conclusion drawn is that these impacts are less than substantial. Overall it is considered that the magnitude of changes are localised and limited, 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 Room 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. In the light of these comments the applicant has provided further detail on the design of the structures including the Control Room and hospitality boxes. The impact of these structures on the heritage assets, including on views into and across The Rec has been addressed above and whilst utilitarian in design and materials, as temporary structures they are considered acceptable.

Whilst it is concluded that less than substantial harm to heritage assets will occur, it is acknowledged that even this level of harm gives rise to a strong presumption against planning permission being granted. This has been weighed against other material planning considerations in this case, including the beneficial economic and social impacts of Bath Rugby being located in the city and the presumption in favour of sustainable development as set out in the NPPF. The conclusion drawn is that

these other material considerations outweigh the less than substantial harm arising from the proposed development.

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, the Environment Agency recommend 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. The Club has proposed that the procedures previously submitted in 2010 continue to be in place for a further two years (i.e. to coincide with the timescale of the permission being applied for). Whilst this evacuation plan was for a temporary period (until 2013) the general procedures in terms of warnings under different flood conditions are still considered relevant and reasonable for the two year timescale for which planning permission is now sought.

**TRANSPORT AND ACCESS:** The Rec is located in the centre of Bath, readily accessible by a variety of transport modes and is considered to be a sustainable location. However given the existing pedestrian access limitations to the site as well as the potential for wider impacts on the Bath transport network the Council's Highways Development Team consider that a full assessment of the impacts is necessary, including during construction. The application is accompanied by a Transport Assessment (TA) that aims to quantify the potential impacts arising from the development and also a Travel Plan (TP) that identifies various measures that seek to mitigate those impacts. The Council's Highways Development Team raised a number of detailed issues regarding these documents and the overall development impacts and in response the applicant has submitted clarifications regarding the TA as well as an updated Travel Plan.

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. 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. The Park and Ride sites are



located at the edge of the city and therefore cars using these sites are less likely to give rise to additional trips through the city centre.

Based on existing vehicle trips into the city this represents less than 0.5% of daily vehicle numbers and 1% during the peak hour. Whilst no assessment of junction capacity has been undertaken, the TA concludes that the scale of change is small and unlikely to have a significant effect on key junctions. The Council's Highways Development Team considers that this is an over-simplification and recommends that monitoring of key junctions is carried out as part of the Travel Plan to inform the need, if required, for further mitigation measures.

In terms of public transport, a number of spectators travel to Bath by train and due to capacity constraints on certain services, as well as to discourage additional trips by car, the Club proposes to provide dedicated coach services for spectators. This 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. In the light of the clarifications submitted regarding the TA, and subject to the submission and agreement of further details relating to the TP and monitoring of development impacts, the Council's Highways Development Team do not object to the principle of the development. It is considered that the relevant issues can be adequately addressed and appropriate mitigation secured through the TP. The Construction Management Plan sets out proposals for construction vehicle access and parking and is considered to provide an acceptable approach. It is considered that the issues raised by the Highway Development Team have been satisfactorily addressed and that subject to the imposition of conditions regarding the Travel Plan and Construction Management Plan the proposals are acceptable in transport terms.

Given the increase in vehicle trips to Bath consideration has also been given to potential impacts on the local environment, including air quality and related policies relating to the Air Quality Management Area in the city and the associated Action Plan. Based on existing patterns of travel to the ground the estimated increase in vehicle movements (i.e. an additional 374 car trips to the city as a whole) is well within the daily variability in total traffic movements in Bath and based on existing travel patterns by spectators, approximately 40% of these vehicles are expected to use the Park and Ride sites located at the edge of the city. As a consequence the vehicles need not necessarily travel through the AQMA and the impacts on air quality are not considered to be significant. The Club's proposal to promote public transport and non-car modes of travel to the ground will also support the objectives of the Air Quality Action Plan.

**RESIDENTIAL AMENITY:** 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 control of noise from the public address system is an environmental protection issue that is monitored and managed by the Council's Environmental Health team in liaison with the Rugby Club under relevant (non-planning) legislation. This will continue to be monitored and, where appropriate, action taken to address or mitigate impacts.

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 increase in capacity is also 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 Saved Local Plan Policy D.2 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 this would not prejudice or pre-empt 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.

As noted above, objection has been received from a number of people regarding the lease on the land, its validity and its 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 Saved 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 be less than substantial and any harm is outweighed by other material considerations. 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:**

1 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, PL22

#### **2 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.

#### **3 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.

4 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>